United Nations CRPD/C/MDA/1

Convention on the Rights of Persons with Disabilities

Distr.: General
30 March 2015

Original: English
English, French and Spanish only

Committee on the Rights of Persons with Disabilities

Consideration of reports submitted by States parties under article 35 of the Convention

Initial report of States parties due in 2012

Republic of Moldova*

[Date received: 15 January 2013]

* The present document is being issued without formal editing.

GE.15-06646 (E)
1506646

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I. Introduction

1. In recent years, the Republic of Moldova has made significant progress in strengthening strategic objectives in the field of disability and promoting consistent policies, programs and initiatives, in line with European and international standards.

2. By the Law No. 166-XVIII of 09.07.2010, the Republic of Moldova ratified the Convention on the Rights of Persons with Disabilities (signed in New York on March 30, 2007), proving political will to adjust national legislation and practices to the provisions of this Convention. Ratification of the Convention is an example of active involvement of civil society, organizations of persons with disabilities and persons with disabilities in advancing the ratification process (about 63 organizations have been involved).

3. Ratifying this Convention has laid the foundation for substantial reforms in the disability field in the Republic of Moldova. This process coincided with the transition from the medical model and social protection approach to persons with disabilities to the approach in terms of human rights and recognition of human dignity. Despite the fact that it is still a State in transition, with very limited resources, the Republic of Moldova has shown a clear progress and unwavering commitment in implementing the Convention.

4. The first step towards implementing the Convention was to develop and promote the Social Inclusion Strategy for Persons with Disabilities (2010–2013), adopted by Parliament by the Law No. 169-XVIII of 09.07.2010. The Strategy defines the state policy recast in the field of disability and includes guidelines for activities that different public and private actors shall accomplish.

5. Ministry of Labour, Social Protection and Family has the coordinating role in implementing the Strategy and, in partnership with central and local authorities and civil society, is committed to achieve the following strategic objectives:

- Adjusting the national legal framework to European and international standards on protecting the rights of persons with disabilities;
- Reorganization of structures and institutions in charge of coordinating the system for social inclusion of persons with disabilities;
- Development and approval of the methodology/new criteria for determining disability in children and adults;
- Diversification of social services for persons with disabilities;
- Establishment of medical and social services for early intervention;
- Adapting educational programs to the special needs of children with disabilities;
- Development of an effective mechanism for granting guidance, training and vocational rehabilitation services for persons with disabilities;
- Adapting social infrastructure to the needs of persons with disabilities;
- Informing the general public on the implementation of the Strategy.

6. The paradigm shift in addressing persons with disabilities is reflected in the decision to replace the Law No. 821-XII of 24.12.1991 on the social protection of invalids with a new comprehensive law focusing on social inclusion of persons with disabilities, which is consistent with the provisions of the Convention and the Revised European Social Charter. The existing legal framework prior to ratification of the Convention requires many adjustments, both in terms of the concepts of disability, as well as in terms of recognizing the rights of persons with disabilities equally with the rights of other citizens.

7. As a result, the Parliament adopted the Law No. 60 of 30.03.2012 on the social inclusion of persons with disabilities. From the structural point of view, the new law contains eleven chapters, which provide ensuring the rights of persons with disabilities equally with the rights of other citizens to: social security, health care, rehabilitation, education, employment, public life, physical environment, transportation, technology and information systems, communication and other utilities and services accessible to the general public.

8. According to Law, at the design and construction stages, construction companies must ensure accessibility for persons with disabilities. Transport units must adapt their vehicles so that they can also be used by persons with disabilities. State and private companies are required to reserve and mark, applying international signs, at least 4% of parking spaces for vehicles driven by persons with disabilities. All public and private institutions must provide accessible infrastructure for disabled people, including sectors such as culture, tourism, sports, entertainment, housing, etc. These provisions are designed to ensure equal rights and opportunities for people with disabilities and will be implemented gradually.

9. In 2010–2012 the State has undertaken several measures to ensure the implementation of the Convention, such as: the development and approval of various sectoral strategies aimed inclusively at persons with disabilities, especially in health, education and social protection areas; regulation and piloting of community services alternative to the residential ones, applying new mechanisms of social protection for the population with low incomes; implementation of various projects on deinstitutionalization and prevention of institutionalization of persons with disabilities; creating various multisectoral working groups working on adjusting national legislation to the provisions of the Convention, etc.

10. However, the Government recognizes that the situation of persons with disabilities in the Republic of Moldova still remains one of concern and efforts are needed both from the Government as well as the society as a whole to fully realize the provisions of the Convention. The need for long-term national action plans, devoting appropriate resources for social inclusion of persons with disabilities, elimination of discrimination and continuous adjustment of the legal framework to the provisions of the Convention, are dictated by the number of people with disabilities and their needs.

11. According to statistics, at 01.01.2012, the total number of persons with disabilities in the Republic of Moldova constituted 179,815 persons, an increase of 9,515 persons compared to 2007. Of all persons with disabilities, about 49.0% are women and 51.0% men, 59% live in rural areas and 41% live in urban areas. According to the age criterion, persons with disabilities aged between 40 and 59 years represent more than two thirds of cases of disability. People with disabilities represent 5.1% of the total population and children with disabilities represent 1.7% of the total number of children of the Republic of Moldova.

12. Preparing the initial State report was for the Government an opportunity for critical analysis of the situation of persons with disabilities, both in terms of legal provisions, as well as local practices. The report was drafted under the coordination of the Ministry of Labour, Social Protection and Family, involving central and local public authorities and civil society specialists.

13. According to art. 35, para. 1 of the Convention on the Rights of Persons with Disabilities, the Republic of Moldova will submit to the Committee its initial State report, two years after the ratification of the Convention. The report illustrates the analysis of the national legislation in terms of its compliance with the provisions of the Convention, the

measures taken by the State to implement the Convention in 2010–2012 and the difficulties and weaknesses to be addressed and resolved in the next period.

14. The report was presented to and discussed with the following stakeholders: Government Council for the problems of persons with disabilities, the National Commission for the development of initial and periodic reports on the implementation of international conventions to which Moldova is party. The completion of the report was conducted on the basis of public consultations with civil society representatives and representative organizations of persons with disabilities, held on October 24, 2012.

II. General provisions

15. With the ratification of the Convention, the Republic of Moldova is committed to respect and implement the principles set forth in the document, ensuring that new draft legislative and normative acts comply with the provisions of the Convention. At the same time, given that disability is a matter covered by numerous legal provisions in various areas, the Government undertakes steps to review and adjust the legislation in force. These measures aim to eliminate discriminatory provisions in existing legal framework and to ensure the promotion, protection and securing the exercise of all human rights and fundamental freedoms by all persons with disabilities on the basis of equality and non-discrimination.

16. Law No. 60 of 30.03.2012 on social inclusion of persons with disabilities governs the principles and objectives underlying the protection and promotion of rights of persons with disabilities. The law introduces new concepts such as "reasonable accommodation", "universal design", "accessibility" and defines "disability"/"disabled person", based on the definitions from the Convention:

- "Disabled person – a person with physical, mental, intellectual or sensory impairments which in interaction with various barriers/obstacles may hinder his/her full and effective participation in society on an equal basis with others";
- "Disability – generic term for impairments/deficiencies, activity limitations and participation restrictions, which denotes the negative aspects of the interaction between an individual (with a health problem) and the contextual factors in which he/she lives (the environmental and personal factors)".

17. Thus the new Law repeals the Law No. 821-XII of 24.12.1991 on social protection of invalids, according to which "An invalid is a person who, in connection with the vital activity limitation due to physical or mental defects, needs assistance and social protection".

18. The Republic of Moldova's Constitution, Codes and organic laws in various fields, describe the legal framework through which the State promotes and protects human rights, and remedies for the violations of these rights. In most legislation there are differences between persons with disabilities and people without disabilities in governing fundamental rights and freedoms.

19. At the same time, taking into account the evolution of the concept of disability in the context of the transition from the medical model to the social model in dealing with persons with disabilities, the Republic of Moldova continues to adjust its legislation and to implement policies consistent with the provisions of the Convention.

20. The strategic program that provides the implementation of a single framework of state institutions and civil society in the field of human rights is the National Action Plan on Human Rights (NHRAP). The second NHRAP for 2011–2014 represents the continuity of

policies with a prevailing emphasis on accession to international human rights instruments; adjusting the national legislation to international standards; ensuring free access to justice; improving national mechanisms for human rights protection; ensuring effective protection of political, civil, economic, social and cultural rights; strengthening the protection of national minorities and ethnic groups, and categories of population in need, including persons with disabilities. During 2012, NHRAP has been amended according to the recommendations of the universal periodic review mechanism and other regional and international conventional mechanisms with the aim to secure the character of a comprehensive platform in the field of human rights.

III. Implementation of rights and freedoms of persons with disabilities

Article 5 – Equality and non-discrimination

21. Equality and non-discrimination, including of persons with disabilities, are enshrined in the Constitution and other legislative and normative acts of the Republic of Moldova.

22. The Constitution of the Republic of Moldova (Art. 16 (2)) states that "All citizens of the Republic of Moldova are equal before the law and the public authorities, without any discrimination as to race, nationality, ethnic origin, language, religion, sex, political choice, personal property or social origin". According to art. 20, paras. 1 and 2, of the Constitution, "Every citizen has the right to obtain effective protection from competent courts of jurisdiction against actions infringing on his/her legitimate rights, freedoms and interests. No law may restrict the access to justice".

23. Law No. 60 of 30.03.2012 on social inclusion of persons with disabilities contains provisions on equality and non-discrimination of persons with disabilities, banning all forms of discrimination on grounds of disability (art. 8), and provisions on the protection of rights of persons with disabilities, liability for their breach, including legal aid on an equal basis with other citizens in all areas of life (art. 10).

24. Law No. 198 of 26.07.2007 on State Guaranteed Legal Aid safeguards the right to a fair trial and free and equal access to legal aid by organizing and providing legal aid guaranteed by the state. The Law governs the conditions, volume and the application of the State-guaranteed legal aid in defending human rights and fundamental freedoms.

25. Civil Procedure Code, No. 225 of 30.05.2003, establishes free access to justice, the right to legal aid, equality before the law and justice (Arts. 5, 8, 20).

26. Criminal Procedure Code, No. 122 of 14.03.2003, establishes the right to equality before the law and authorities, to inviolability of the person, ensuring the right of defense, free access to justice, etc. (arts. 9, 11, 17, 19).

27. Law No. 60 of 30.03.2012 on social inclusion of persons with disabilities introduces an important concept of "reasonable accommodation", which aims to ensure the right of persons with disabilities to exercise, on an equal basis with others, all the human rights and fundamental freedoms (art. 2). The law also sets out provisions on the promotion of equality and elimination of discrimination against persons with disabilities in various areas of life (art. 6, para. 2, art. 8, para. 8, art. 19, para. 2, art. 27, para. 6a), art. 29 para. 2, art. 33 para. 7a, art. 35 para. 2). Under these provisions, the State is responsible for developing national policies for the prevention, treatment, rehabilitation, reasonable accommodation and social inclusion of persons with disabilities, promotes reasonable accommodation measures for social facilities in the fields of education, health, employment, etc.

28. Regarding the attitude of society towards persons with disabilities, it is important to note that the phenomenon of discrimination is still present in the Republic of Moldova. According to the sociological study "Perceptions of Moldova population on Discrimination", conducted between March and September 2010 by the sociological Company "CBS – AXA" with the support from the Moldova Soros Foundation, persons with disabilities constitute one of the most discriminated social groups. Thus, when asked which groups of people are most frequently discriminated in the Republic of Moldova, two thirds of respondents mentioned persons with mental and physical disabilities, over 50% mentioned poor and HIV positive people; about half mentioned the elderly, gays and Roma, and about one third mentioned women. According to the study, persons with disabilities are most frequently discriminated against at the employment stage, at work, in educational institutions, in dealing with authorities and in political life.

29. For the prevention and combating of discrimination, Law No. 121 of 25.05.2012 on ensuring equality (to come into force on 01.01.2013) was adopted. The Law aims to ensure equality of all persons in the Republic of Moldova in the political, economic, social, cultural and other spheres of life, regardless of race, color, nationality, ethnic origin, language, religion or belief, sex, age, disability, opinion, political affiliation or any other similar criterion. The chapter "Special Provisions" contains provisions which expressly stipulate areas where discrimination is prohibited, namely: in the field of work, access to services and goods available to the public, in education. Those invested with responsibilities in preventing and combating discrimination and ensuring equality are: the Council for the prevention and elimination of discrimination and ensuring equality; public authorities and courts.

30. Government, within six months after the entry into force of the Law on ensuring equality, will adjust the national legal framework to the new law.

Article 6 – Women with disabilities

31. Of all persons with disabilities in the Republic of Moldova, 49.0% are women (87.450 persons), including 8.6% of girls aged under 18 years (7.500 people).

32. In accordance with art. 8, para. 12 and art. 42, para. 12 of Law No. 60 of 30.03.2012 on social inclusion of persons with disabilities, the State takes measures to ensure that persons with disabilities, including women and girls with disabilities, are not subjected to multiple discrimination, and enjoy all the human rights and fundamental freedoms. In the process of providing medical assistance to women with disabilities, are taken into account their special needs, including gynecological treatment and counselling on family planning and reproductive health.

33. In order to ensure equal rights for women and men in the political, economic, social, cultural, and other spheres of life and to prevent and eliminate all forms of discrimination on grounds of sex, Law No. 5-XVI of 09.02.2006 on Ensuring Equal Opportunities for Women and Men has been adopted. The law guarantees equal access of women and men in holding public positions in governing bodies, submitting applications for holding of functions in the electoral lists and provides a range of social and economic obligations, especially at employment, as well as some obligations on the side of employer. The law introduces concepts such as "discrimination on grounds of sex", "sexual harassment", "discriminatory actions of the employer", "ungrounded refusal of employment".

34. Following the adoption of the Law on Ensuring Equal Opportunities for Women and Men, in the country were created institutional structures with specific competences, such as: Government Commission for Equality between Women and Men, Directorate policies to ensure gender equality and violence prevention within the Ministry of Labour, Social

Protection and Family, Councils and gender units within central government and local authorities. Gender units shall develop and implement programs on equal opportunities, including for women with disabilities.

35. Under the Ministry of Labour, Social Protection and Family has been established the Coordinating Group in the field of gender equality. Thus, the group member from the Directorate policies for social protection of persons with disabilities is responsible for monitoring the compliance of policies and programs for persons with disabilities with the principle of gender equality.

Article 7 – Children with disabilities

36. According to Law No. 338 of 15.12.1999 on the Rights of the Child, a person is considered a child from birth until the age of 18 (art. 1 para. 2). According to statistics, of the total number of children aged under 18 years (804,800 people), 1.7% are children with disabilities (approximately 14,000 children).

37. The Constitution of the Republic of Moldova ensures the respect for rights and freedoms of all persons. This provision also applies to children, the State ensuring the achievement of the rights of children, including of children with disabilities, by providing benefits and other forms of social protection (article 50, paras. 1–5).

38. Law No. 60 of 30.03.2012 on social inclusion of persons with disabilities expressly stipulates the prohibition of discrimination, and the best interests of the child when adopting different decisions on children, as well as guarantees against discrimination of children with disabilities (Article 8, paras. 10–13, art. 10).

39. Family Code No. 1316 of 26.10.2000 contains a number of provisions on children's rights, without any distinction between children with and without disabilities (right to habitation and education within the family, the right to communicate with parents and family, the right to protection, the right to express opinion, the right to identity, property rights, etc.).

40. State institutions are obliged to take account of children's interests in all decisions relating to children. In various cases, solving issues in respect to children shall be examined together with representatives of organizations whose work is related to the promotion of children's rights.

41. In order to prevent the institutionalization of children with disabilities and develop their skills in community living, local government from 9 districts of the Republic, in partnership with the NGO Keystone Human Services International Moldova Association have created the "Mobile Team" social service. Mobile Team is a community support service for people with disabilities and their families, providing individualized home social, medical, psychological, etc., services to beneficiaries without access to specialized services, focusing on rural communities.

42. The State has also initiated the implementation of the inclusive education development program in the Republic of Moldova for 2011–2020 (Government Decision 523 of 11.07.2011), which aims to facilitate school inclusion of children with different types of disabilities in secondary schools. This implicitly assumes accessibility of educational and training institutions by applying assistive techniques and technological innovation.

Article 8 – Awareness-raising

43. In order to increase public awareness on the issues and the rights of persons with disabilities, the social inclusion strategy of persons with disabilities (2010–2013), adopted by Law No. 169 of 09.07.2010, provides a series of steps in this direction. Thus, the State authorities have committed to implement, together with the social partners, the organization of annual awareness campaigns/social campaigns with reference to rights and opportunities for social integration of persons with disabilities and the organization of seminars, conferences and other public events on reforming the social protection system of persons with disabilities and working with the media to promote good practices in the field of disability.

44. Annually, the Ministry of Labour, Social Protection and Family develops and implements an action plan dedicated to the International Day of Persons with Disabilities (December 3), involving local authorities, international agencies and civil society. Since 2010, the actions of these events are focused on the rights, social inclusion and skills of persons with disabilities. In this respect, exhibitions and sales of items made by persons with disabilities, photographic exhibitions made by persons with disabilities, press conferences and round tables, etc., are being held. In accordance with the national and international calendar of sports activities of the Ministry of Youth and Sports, annually, during the commemoration of the International Day of Persons with Disabilities (December 3), it organizes sports competitions involving about 300 persons with disabilities.

45. Annually, under the Human Rights Film Festival, with the support of UNDP Moldova, in theatres across the Republic are being run films including, and about the life of, persons with disabilities; access is free. On this occasion, advance media campaigns are organized for the event.

46. On 23.12.2011 the second National Braille Essay Contest was held, entitled "How the Braille system has influenced my life", dedicated to persons with visual disabilities, organized by the Blind Society in Moldova.

47. On 20–21 September 2011, the Center for Human Rights in Moldova organized in Chisinau an international conference, "UN Convention on the Rights of Persons with Disabilities – reality and prospects". The Conference was attended by representatives of national authorities, international organizations and civil society, as well as representatives of Ombudsman Institutions in Azerbaijan, France, Greece, Poland, Romania, Russian Federation, Ukraine and Slovenia. The Center for Human Rights in Moldova has developed and published several leaflets and thematic reports in the field, including: "Access to education for children and young people with locomotive disabilities", "Access of persons with special needs to social infrastructure: reality and necessity". With the support of the "Humanitas" Association the guide "Human rights and the disability issue" was published. In collaboration with the "Chernobyl Echo" Foundation the public ombudsman office for legal assistance to persons with disabilities, and other categories of citizens was opened.

48. An important role in promoting the rights of persons with disabilities at national level belongs to the "Community for All – Moldova" Program implemented by the NGO "Keystone Human Services International Moldova Association" in partnership with the Ministry of Labour, Social Protection and Family. Thus, this program produces an annual series of seminars at national level on the valorization of the social role of persons with disabilities and the social inclusion. In 2012 for the first time were conducted three regional seminars (North, Central, South) in partnership with the State Chancellery, aimed at implementing the Convention on the Rights of Persons with Disabilities through the empowerment of local government.

49. Materials have also been developed and nationally disseminated with the purpose to promote the rights of persons with disabilities and to combat related stereotypes, such as: the guide for journalists to communicate with and about people with intellectual disabilities, the book and teaching support, "Bridge to understanding. Education for inclusion, tolerance, acceptance" intended for the primary school and approved by the Institute of Education Sciences.

50. During March to May 2012, social theatre shows were played in 15 pilot inclusive schools in Moldova. The goal of the shows is to raise awareness in students and teachers to the needs of persons with physical and intellectual disabilities and forming non-discriminatory attitudes.

51. On January 17, 2012, the initiative "Un cântec pentru un zâmbet/A Song for a smile" was organized by the group of young volunteers Wave Week Moldova from the Association for Creative Development (Republic of Moldova) and Spark the Wave (USA). The event implied conducting a concert to raise public awareness about children with disabilities and aimed at promoting inclusive education and therapy through art. The concert included an exposure of artwork of children with disabilities in an exhibition sale.

Article 9 – Accessibility

52. In order to adapt the social infrastructure to the needs of persons with disabilities, the strategy for social inclusion of persons with disabilities (2010-2013), adopted by Law No. 169 of 09.07.2010, outlines important steps that the State will implement in the years to follow. These measures aim at: reviewing technical standards and the normative acts for ensuring access of persons with disabilities to social infrastructure; adapting social facilities (in the fields of health, social assistance, education, culture), commercial and public facilities to the needs of persons with disabilities; adapting public transportation to the needs of persons with disabilities; adapting housing to the needs of persons with disabilities; adapting information systems, media (television and radio, press, internet, etc.) to the needs of persons with disabilities; using the sign language in the information system.

53. Law No. 60 of 30.03.2012 on social inclusion of persons with disabilities introduced into the national legislation concepts such as accessibility, universal design and reasonable accommodation. Thus, this law contains a number of provisions on State policy in the field of accessibility (art. 17), the design and construction of social infrastructure facilities respecting the needs of persons with disabilities (art. 18), planning of social infrastructure objects to be used by persons with disabilities (art. 19), ensuring access of persons with disabilities to public transportation (art. 20), planning accommodation spaces to be used by persons with disabilities (art. 21), ensuring access to persons with disabilities to cultural, tourist attractions and sports buildings (halls) (art. 23), access to information by all means (art. 25).

54. The law also sets out that people in positions of responsibility, enterprises, institutions and organizations of any form of property that fail to meet the legal requirements on removal of existing barriers and proper planning of facilities of social infrastructure (buildings, transport, telecommunications, etc.) according to the regulations in force are liable in accordance with the Contravention Code.

55. Contravention Code No. 218 of 24.10.2008 as amended, contains provisions on the penalties imposed for breaches of access. Article 47 states that preventing access to the polling station shall be sanctioned by a fine of 20 to 30 conventional units for individuals and by a fine of 30 to 50 conventional units for persons holding responsible positions with the deprivation, in both cases, of the right to carry out certain activities for a term from three months up to one year. Article 67 paragraph (5) provides that preventing in any form

whatsoever the access to buildings in the immediate vicinity of the venue of public meetings is punishable by a fine of 40 to 50 conventional units. Article 71 para. 1 provides for the punishment of the person holding a responsible position for breaching the provisions on access to information and on petition by a fine of 40 to 50 conventional units. Article 227, para. (2) provides that failure to conduct the works of planning, repair and regular cleaning of pedestrian passages and crossing bridges, failing to meet the obligations for the maintenance in good technical condition and cleanliness of the roadside barriers or means of access to the road of general use is punishable by a fine of 10 to 15 conventional units for individuals and by a fine of 30 to 50 conventional units for legal entities.

56. These contraventional provisions do not cover, however, all areas covered by Chapter III (Accessibility) of Law No. 60 of 30.03.2012 and will be supplemented and adjusted with a view to public and private players accountability on ensuring the participation of persons with disabilities in the society.

57. The Ministry of Regional Development and Construction has commenced the process of reforming the technical regulatory system for constructions in order to harmonize it with the European and international standards. Reforming the technical regulatory system for constructions is a complex and lengthy process, which assumes the existence of a transition period from the construction regulations in force to the European and international standards. Thus, old standards approved during the Soviet period are being replaced by new standards such as CM C.01.06-2007 (NCM C.01.06-07) C Buildings and their functionality C.01 Civil Engineering - Building & Construction accessibility for people with disabilities.

58. It should be mentioned that the difficulties in applying the new standards still persist. Although in recent years many institutions have tried installing access bars or building slopes, they do not meet the standards and are difficult to be used by the persons with disabilities. According to the work program of the State Construction Inspectorate during 2011, thematic inspections were conducted, one of the tackled topics referred to the compliance to provide persons with disabilities with access to social and cultural facilities. Failure to comply with regulatory requirements on accessibility for persons with disabilities represents a violation identified, which is characteristic to most of the projects verified by the State Construction Inspection. The State needs to take measures to ensure the accessibility of the new constructions and gradual adaptation of old buildings.

59. According to the Land Transport Infrastructure Strategy for 2008-2017 (Government Decision No. 85 of 01.02.2008, item 130) one of the priorities of the Ministry of Transport and Road Infrastructure is regulating the level of quality and safety for urban passenger transport and technical regulations for vehicles intended for urban public transport. Information accessibility of the transportation services for persons with deaf-blindness impairments (hearing and visual disabilities) shall also be provided, as well as access for wheelchair users to transportation by providing sliding micro-elevators.

60. Good practices in this regard have been implemented by the Municipality of Chisinau, which in 2011 acquired a total of 102 trolleybuses, which are equipped with electronic display and taxation system, with the double doors and floor / elevator for an easy access for passengers with disabilities.

61. On 25.07.2012, State Enterprise (SE) "Railway of Moldova" put into circulation the first modernized diesel passenger train, which provides all the conditions for the travel of persons with disabilities. This train is endowed with special equipment for embarking persons with disabilities using the wheelchair. Subsequently, the SE "Railway of Moldova" has planned the modernization of 5 other similar diesel trains. The institution has also developed two investment projects to purchase 12 wagons aimed at organizing international rail traffic with the European Union and 22 passenger wagons for international traffic with

CIS countries, which provide the endowment with special equipment for persons with disabilities.

62. At the same time, at train and railway stations in the Republic of Moldova works were carried out to ensure the access of persons with disabilities to rail services and infrastructure (platform entries, passages to the ticket counters, traffic direction indicators, the loudspeaker announcements about the outgoing and incoming passenger platforms, visual information about movement of trains).

63. For the free access of persons with disabilities, in the 28 branches of the SE "Train and Bus Stations", most waiting rooms of the railway and bus stations of the SE "Train and Bus Stations" were provided with specially designed waiting seats and climb-down slopes at the entries. The management of the company subsidiaries cooperate with local authorities to adapt the social infrastructure to the needs of persons with disabilities.

64. The Ministry of Youth and Sports has taken measures to ensure free access of persons with disabilities to the sports infrastructure. The facilities of the National Teams Sports Training Center, under the Ministry, have been fitted in order to be used by persons with disabilities.

65. The Ministry of Internal Affairs (MIA) initiated activities for accessibilizing public spaces by monitoring the installation at the intersections of residential areas of road signs and light and sound signals in order to facilitate the participation of persons with disabilities. During the period 2010-2012, some portions of curbs near the intersections of public institutions, markets and other places were reduced to zero. These measures remain a priority for the coming years and the Government should identify resources for continuing measures for accessibilizing public spaces.

66. Regarding access to information, the Audiovisual Code of the Republic of Moldova No. 260 of 27.07.2006 provides access for people with hearing impairments (deaf) to major television shows and news by interpreting those, at the expense of broadcaster, in the sign language for at least 20 minutes of the daily emissions of the programs' grid. (Art. 13, para. 4, amended by LP172-XVI dated 10.07.08, OG134-137/25.07.08, art. 543). With regard to subtitling, which also facilitates the access to information for people with hearing impairments, it is only provided for shows broadcast in other languages (art. 11 para. 5) and for foreign movies and documentaries (art. 11, para. 7).

67. The Audiovisual Coordinating Council found under the monitoring process of the national television stations that news and the major shows are not broadcasted with subtitles and sign language. The Government shall take action and identify resources necessary to implement the provisions on subtitling and interpretation.

68. Regarding Public Procurement, Law No. 60 of 30.03.2012 requires public institutions to observe the criterion of accessibility in the purchase of equipment and software (art. 25, para. 6).

69. Law No. 96 of 13.04.2007 on Public Procurement provides certain facilities (reservation of the right to award public contracts, tax exemption for tender documents and selection procedure) to the Blind Society, Society of Invalids, Deaf Association and for the Production Workshop of the Republican Psychiatric Hospital. At the same time, Law No. 96 of 13.04.2007 does not contain provisions on contracting agencies to purchase goods and services on grounds of ensuring the accessibility thereof.

70. Considering the requirements of the Law No. 60 of 30.03.2012, the Government will develop in collaboration with the local government a medium-term Action Plan for the gradual removal of barriers and rigorous checking of new projects to be put into operation, in terms of the principles of universal design and accessibility. At the same time, laws and regulations on public procurement are to be completed for compliance with accessibility

standards. The Government aims to develop and initiate the implementation, in the next period, of a National Accessibility Plan, establishing costs and deadlines, respectively a strategy for allocating funds for this purpose.

Article 10 – Right to life

71. The right to life is guaranteed by the Constitution of the Republic of Moldova and Healthcare Law No. 411 of 28.03.1995 with subsequent amendments, without any distinction between disabled and non-disabled persons. Persons with disabilities, from birth, have the right to life and no one can be deprived of this right arbitrarily. Law No. 60 of 30.03.2012 on social inclusion of persons with disabilities (art. 7) stipulates the rights of persons with disabilities, including equality before the law without discrimination and the right to life, liberty and personal security.

72. The Constitution of the Republic of Moldova prohibits the death penalty, no one could be sentenced to such a punishment or executed (art. 24, para. 1 and para. 2). Also, Healthcare Law No. 411/1995 (art. 34) prohibits euthanasia and disconnecting the person from the medical devices before the ascertainment of the death of the brain.

73. According to the Criminal Code No. 985 of 18.04.2002, killing a disabled person is considered an aggravating circumstance and draws tougher punishment (art. 77, para. 1and art. 145, para. 2).

Article 11 – Situations of risk and humanitarian emergencies

74. Protection and safety of citizens, including of persons with disabilities, who are at risk is enshrined in the Constitution of the Republic of Moldova and other legislative and normative acts in force.

75. The Constitution of the Republic of Moldova (art. 47 paras. 1 and 2), states that "The State is obliged to take action aimed at ensuring that every person has a decent standard of living, whereby good health and welfare, based on available food, clothing, shelter, medical care, and services are secured for that person and his/her family. All citizens have the right to be insured against such adversities as unemployment, disease, disability, widowhood, old age or other situations where, due to causes beyond one's control one loses the source or means of obtaining the necessities of life".

76. The social assistance Law No. 547 of 25.12.2003, defines the "social risk", "difficult situation", "disadvantaged person and family" and establishes the recipients of assistance – "individuals and families who, due to economic, physical, psychological or social factors, have the opportunity through their own abilities and skills to prevent and overcome difficult situations" (art. 7).

77. The law on humanitarian aid offered to the Republic of Moldova, No. 1491 of 28.11.2002, stipulates granting humanitarian aid to beneficiaries in Moldova in case of lack of social protection, lack of material means, difficult financial situation, occurrence of exceptional circumstances, particularly as a result of armed conflicts, natural disasters, accidents, epidemics and epizootics, ecological and anthropogenic disasters, and other disasters that threaten life and health, or in case of serious illness of concrete individuals (art. 2). Persons and children with disabilities represent one of the categories of beneficiaries of humanitarian aid (art. 15).

78. During 2011, the Humanitarian Aid Department of the Ministry of Labour, Social Protection and Family processed and issued 751 authorizations to organizations receiving/distributing humanitarian aid for introduction into the country and the distribution

of humanitarian donations. Humanitarian aid provided to Moldova in 2011 came from 29 donor countries and was distributed according to distribution plans, coordinated with the local public administrations and territorial social assistance structures.

79. In order to provide material support to vulnerable categories of population, by Law No. 827 of 18.02.2000 the Republican and Local Funds for social support of population was established. The means of the central and local funds are used for providing material support to vulnerable categories of population, including persons with disabilities. According to the data of the Republican Fund for social support of population, in 2011 were granted 264,868 material aids totaling MDL 105.3 million, of which about 42% were granted to families with children and persons with disabilities.

80. In the field of population and territory protection in emergency situations, the primary responsibility falls under the Civil Protection and Emergency Situations Service of the MIA and its territorial subdivisions. Pursuant to special instructions, in the event of fire, other hazardous circumstances or under exceptional events, persons with disabilities are given priority in the evacuation form the outbreak or danger zone. In the summer of 2010, during the floods of the river Prut meadow, the distribution of humanitarian aid to persons with disabilities was organized and their transportation to the place requested was provided, according to the lists provided by local authorities.

Article 12 – Equal recognition before the law

81. According to art. 15 and art. 16, para. 2 of the Constitution, "The Constitution in conjunction with other laws grants the citizens of the Republic of Moldova their rights and freedoms and also lays down their duties upon them. All citizens of the Republic of Moldova are equal before the law and the public authorities, without any discrimination as to race, nationality, ethnic origin, language, religion, sex, political choice, personal property or social origin". "Every citizen has the right to obtain effective protection from competent courts of jurisdiction against actions infringing on his/her legitimate rights, freedoms and interests. No law may restrict the access to justice" (art. 20, para. 1 and para. 2). Article 46 of the Constitution guarantees the right to private property and its protection, and art. 55 states that "every citizen shall exercise his/her constitutional rights and freedoms in good faith, without infringing the rights and freedoms of others".

82. By Law No. 198 of 26.07.2007 on State Guaranteed Legal Aid, the free and equal access to legal assistance is guaranteed, including to persons declared without or with limited legal capacity (art. 19, letter d).

83. Law No. 60 of 30.03.2012 on Social Inclusion of Persons with Disabilities states that "Persons with disabilities have the right to be recognized, wherever they are, as persons with rights under the law. Persons with disabilities enjoy their legal capacity on an equal basis with others in all aspects of life and, where appropriate, safeguards, and legal assistance in exercising their legal capacity provided by law" (art. 8, para. 1 and 2). Property rights, income and other assets' management and the measures that the authorities take for ensuring these rights are set out in art. 9 of the Law. Article 9, para. 2 provides that "where the person with disabilities, regardless of age, is unable to manage his/her personal property, he/she is entitled to protection and legal assistance in accordance with the current legislation".

84. However, the Civil Code of the Republic of Moldova, No. 1107 of 06.06.2002, regulates the declaration of the deprivation of legal capacity of an individual, as well as the limitation of the legal capacity (art. 32). The guardianship or trusteeship shall be established upon the person. Guardians and trustees protect the rights and interests of the wards in relation to natural and legal persons, including in the court, without mandate (art. 32,

para. 2). The guardian manages and disposes of the property of the ward on his behalf, if no property manager is appointed (art. 41, para. 1).

85. The procedure for limiting the legal capacity or declaring the legal incapacity, as well as the annulment of legal capacity limitation and the declaration of the legal capacity of an individual is set out in the Code of Civil Procedure, No. 225 of 30.05.2003 (arts. 302–308).

86. According to statistics from the Department of Judicial Administration, over 400 people annually are deprived or limited in their legal capacity.

87. In order to adjust the legislation in force, in particular the provisions of the Civil Code and Civil Procedure Code, the provisions of art. 12 of the Convention, and respectively the law on social inclusion of persons with disabilities, by the interministerial order (Ministry of Health, Ministry of Labour, Social Protection and Family, Ministry of Justice) of 9 December 2011, has been set up an intersectoral working group. The working group consists of representatives of line ministries and civil society, including representatives of Human Rights Centre, and aims at reforming the institution of legal capacity.

88. This year the working group convened in several working sessions, upon which were presented international best practices for the supported decision-making and the results of the Study "Vulnerability of the Guardianship system in the Republic of Moldova". Also proposed and discussed were recommendations on repealing/amendment of legal provisions which are inconsistent with art. 12 of the Convention and the creation of the new support mechanisms at EU level, intended for persons with intellectual and psychosocial disabilities.

Article 13 – Access to justice

89. According to art. 20, paras. 1 and 2 of the Constitution, "Every citizen has the right to obtain effective protection from competent courts of jurisdiction against actions infringing on his/her legitimate rights, freedoms and interests. No law may restrict the access to justice".

90. The Code of Civil Procedure, No. 225 of 30.05.2003, establishes access to justice, the right to legal assistance, equality before the law and justice (arts. 5, 8, 20), with no distinction between persons with and without disabilities.

91. The Criminal Procedure Code, No. 122 of 14.03.2003, establishes the right to equality before the law and authorities, the inviolability of the person, safeguarding the right of defense, free access to justice, etc. (arts. 9, 11, 17, 19).

92. The Law on social inclusion of persons with disabilities, No. 60 of 30.03.2012, stipulates that the persons with disabilities enjoy legal capacity on an equal basis with other citizens in all areas of life. The persons in charge and other persons responsible for the violation of rights, interests and freedoms of persons with disabilities shall be liable in accordance with the current legislation" (art. 10, paras. 3, 4).

93. By Law No. 231 of 25.11.2011 the Justice Sector Reform Strategy for the period 2011–2016, which is a common framework for the justice sector reform in the RM, was approved. Practical implementation and the capitalization of the strategy components will help strengthen a justice system which is fair, qualitative, with zero tolerance to corruption, for a sustainable development of the country and increased responsibility towards all litigants, equally for litigants with disabilities. Strategy objectives are to ensure accessibility, efficiency, independence, transparency, professionalism and accountability towards the society, to meet international standards, to ensure the rule of law and respect

for human rights and help ensure society's confidence in the act of justice. The Ministry of Justice has UNICEF, UNDP, U.S. Embassy, etc., as partners in the implementation of the above mentioned strategy.

94. By the Government Decision No. 459 of 05.08.2009 the Government approved the Regulation on organizing the work of interpreters and translators engaged by the Superior Council of Magistracy, the Ministry of Justice, by prosecution bodies, criminal investigation bodies, courts, notaries, lawyers and bailiffs. The Regulation establishes the modality to manage the registration process of candidates and the attestation exam, the modality to create the Commission for the Certification of Interpreters and Translators, the modality to issue, suspend and withdraw the authorisation, and the requirements for the continuous training of interpreters and translators engaged by the Superior Council of Magistracy, the Ministry of Justice, prosecution bodies, criminal investigation bodies, courts, notaries, lawyers and bailiffs.

95. The use of an interpreter or written form in the proceedings for participants with disabilities is provided for in art. 219 of the Code of Civil Procedure. At present, in the Republic of Moldova are operating 8 sign language interpreters from the RM Deaf Association, authorized by the Ministry of Justice, which provide free of charge services.

96. Also, the State has initiated measures of reasonable accommodation to ensure effective participation of persons with disabilities in legal proceedings. In about half of the total number of courts adjustments have been made. During the months of April to July 2012, jointly with foreign experts the overall condition of all courts was assessed (the state of the building, accessibility, technical equipment, etc.). As a result of the evaluation, a report was prepared on the existing needs, including equipping with approach slopes. The initiation of measures on the adaptation of the access to the court buildings (outstanding) for people with disabilities, will be carried out from the distribution of allocations for construction / renovation of court offices for the next four years.

97. Government Decision No. 1310 of 24.11.2008 on the Department of Penitentiary Institutions, sets out, inclusively, the basic functions, duties and rights of the department. Section 7, para. 3 of the Department of Penitentiary Institutions Regulation expressly provides for the position of training and social, medical and psychological assistance to detainees without distinction between persons with and without disabilities. The duties for organizing the training of collaborators of penitentiary system on respect for the human rights and fundamental freedoms are set out in section 8, para. 3, letter g of the Regulation.

98. In 2011, the P.A. "Legal Support Center for Persons with Disabilities" (http://www.advocacy.md), with support from USAID, conducted a sociological study "Barriers to social inclusion of persons with disabilities in the Republic of Moldova". According to the study 8.9% of respondents believe that access to justice for persons with disabilities is largely respected, 42.0% considered it partially observed, 27.5% think it is not observed at all, and 21.6% said they do not know or did not answer this question.

99. The legal and regulatory framework in the justice field guarantees access to justice for all citizens, including persons with disabilities, nevertheless the studies and the addresses of persons with disabilities revealed a lack of information on access to justice. Thus, it is necessary for law and justice institutions to organize various media campaigns, conferences, seminars, and so on, to inform and sensitize people with disabilities on access to justice, and to organize various training programs for the employees of law and justice institutions, to ensure access to justice for persons with disabilities.

Article 14 – Liberty and security of the person

100. At the constitutional level, individual liberty and security of the person are inviolable, without making any distinction between persons with and without disabilities (art. 25). The Supreme Law of the State establishes that the search, detention or arrest of a person shall be permitted only in the cases and under the procedure provided by law. The restriction of the exercise of certain rights or freedoms of the person (art. 54 of the Constitution) excludes restricting the access to justice, the presumption of innocence, nonretroactivity of the law, the right of every person to know his/her rights and obligations and the right to life, physical and mental integrity. These rights remain intact.

101. Mental Health Law No. 1402 of 16.12.1997 as amended, provides that "It is not permitted to limit the rights and freedoms of individuals suffering from mental disorders only based on psychiatric diagnosis, dispensary surveillance cases, the fact that they are or were in the inpatient psychiatric treatment or in a psycho-neurological institution" (art. 5, para. 3).

102. The Criminal Code No. 985 of 18.04.2002 and the Criminal Procedure Code No. 122 of 14.03.2003 provide that deprivation of liberty, arrest, forced confinement of a person in a medical institution are permitted only on the basis of an arrest warrant or a motivated court decision. Forced internment of a person in a psychiatric establishment is a medical coercive measure applied only to persons with psychosocial disabilities who have committed offenses under the criminal law in the state of irresponsibility or limited responsibility.

103. At the same time, Mental Health Law contains some provisions which authorize hospitalization without free consent of the person or his legal representative, before the issuance of the judgment, if the mental disorder is serious and conditioning a direct social threat or serious injury to his/her health (art. 28). These provisions are to be reviewed and there shall be established clear protection mechanisms for emergency medical circumstances to exclude arbitrary hospitalization risk for persons with psychosocial disabilities.

104. According to the Department of Penitentiary Institutions, Ministry of Justice, in the first quarter of 2012, in the Moldovan penitentiaries 170 people with varying degrees of disability were held, which is 2.6% of the total number of detainees.

105. The distribution of detainees in prisons is performed depending on the type of prison indicated by the court and not by the disability criterion. Thus, people with disabilities serve custodial sentences in all the penitentiary institutions. Convicts enjoy medical care according to the order of the Minister of Justice No. 478 of 15 December 2006 "On Approval of the Regulation on the modality to provide medical care to detainees in prisons". Persons with locomotor disabilities are consulted by specialists of public health care institutions, and based on their medical indications are provided with technical aids. Also, penitentiary institutions are submitting demarches in the address of the National Health Insurance Company to issue polices of mandatory health insurance from the State budget, according to the law on compulsory medical insurance No. 1585-XIII of 27 February 1998.

106. Prisoners with Grade I and II of disability (severe and pronounced) receive improved food ration under Annex 5 to the Government Decision No. 609 of 29 May 2006 on the minimum standards of daily food supply for sick prisoners and prisoners with grade I and II of disability.

107. Residential institutions are currently a form of social protection of persons with disabilities in the Republic of Moldova and the placement under these types of institutions affects the freedom of persons with disabilities. Deinstitutionalization and reintegration of

persons with disabilities in communities of origin and family is a priority for the Government of the Republic of Moldova. To substitute the residential care system with a Community support system for persons with disabilities, local authorities gradually develop alternative forms to residential services in collaboration and partnership with various social stakeholders.

Article 15 – Freedom from torture or cruel, inhuman or degrading treatment or punishment

108. Moldova acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1995 and the Parliament ratified the Optional Protocol of that Convention by Law No. 66 from 30.03.2006. Thus, the provisions of the Convention against Torture and of the Optional Protocol are binding for the Republic of Moldova.

109. According to the Constitution, "No one may be subjected to torture or to cruel, inhuman or degrading punishment or treatment" (art. 24, para. 2). Also, the supreme law contains express provisions relating to persons with disabilities, according to which "Except for those cases that are provided for under the law nobody may be submitted to forced medical treatment" (art. 51, para. 2).

110. The Criminal Code No. 985 of 18.04.2002 promotes the principle of humanism, stipulating that "criminal law does not seek to cause physical suffering or harm to human dignity" (art. 4, para. 2).

111. Pursuant to Mental Health Law No. 1402 of 16.12.1997 as amended, "the treatment of mental disorders of individuals, including those subjected to coercive treatment, by surgery and other methods that have irreversible consequences, and the application of the new drugs, scientifically founded, but still not admitted towards mass use, is inadmissible"(art. 11, para. 5).

112. Healthcare Law No. 411 of 28.03.1995 contains certain provisions which are not in line with the Convention on the Rights of Persons with Disabilities, making psychosocial disabled persons liable to forced treatment. Thus, the Healthcare Law provides that mental patients, destitute of discernment, that can endanger the life or physical integrity of oneself or others are subjected to coercive medical treatment in a health care facility, under the law. Hospitalization of such patients shall be carried out as a matter of urgency with the support of the police, upon the request of the psychiatrist (art. 42, para. 3). In the context of the reform of legal capacity (art. 12 of the Convention), these provisions will be reviewed by the interministerial working group constituted for this purpose.

113. To eliminate torture and other inhuman treatment by the police, the Government approved the Concept of reforming the Ministry of Internal Affairs and its subordinated and deconcentrated structures (GD. 1109 of 06.12.2010). In this context, the Program of the Government of the Republic of Moldova "European Integration: Freedom, Democracy, Welfare 2011–2014", provides in the list of government objectives, improving the situation of human rights and the eradication of torture and other inhuman or degrading punishment or treatment.

114. On the basis of the Parliament Decision No. 77 of 04.05.2010 regarding the approval of the structure of the Office of the Prosecutor General, on 24/05/2010, under the Prosecutor General was established the Department on combating torture. Thus, according to the Prosecutor General Order No. 90/8 of 02.11.2010 on the organization of investigation of cases of torture, degrading and inhuman treatment, the coordination of the investigation of these cases is conducted by the Department on combating torture. Chief Prosecutors of

regional and specialized offices of prosecutor issue orders, under which a prosecutor is appointed (if necessary, more prosecutors) responsible for examining complaints and conducting a criminal prosecution on criminal cases related to coercion to testify (art. 309, Criminal Code), torture (art. 309, para. 1, Criminal Code), excess of service duties accompanied by actions of violence, torture or actions that demean the dignity of victims (art. 328, para. 2 letters a and c, Criminal Code).

115. Prosecutors in charge of investigating cases of torture, degrading and inhuman treatment, appointed by the Order of the Chief prosecutor, will not be involved in activities related to the work of MIA and the Center for Combating Corruption and Economic Crime (CCCEC) subdivisions' staff, so as to ensure their independence.

116. Following the amendments made to the Law on Parliamentary Advocates, No. 1349 of 17.10.1997, the National Preventive Mechanism against torture has been established in the context of ensuring the implementation of the provisions of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

117. Despite the measures taken by the Government, the Republic of Moldova continues to face negative social inter-related phenomena, such as torture and other cruel, inhuman or degrading treatment of punishment, domestic violence, human trafficking, which affect the most vulnerable segments of population, including persons with disabilities. In order to solve these problems, Parliament approved the National Action Plan on Human Rights for 2011-2014 (PD No. 90 of 12.05.2011). The Action plan is aimed inclusively at people with psychosocial and intellectual disabilities and imposes actions such as "creating the service for the protection of patients in psychiatric institutions" and "development of professional skills of workers in psychiatric institutions and psycho-neurological boardings".

Article 16 – Freedom from exploitation, violence and abuse

118. In recent years the State has taken various legislative and practical measures to protect people (especially women and children) from all forms of exploitation, violence and abuse, both within the family and in social services of various types.

119. Law No. 45-XVI of 01.03.2007 establishes the legal and organizational framework for preventing and combating domestic violence, authorities and institutions responsible for preventing and combating domestic violence, the mechanism for identifying and solving cases of violence.

120. By Law No. 167 of 09.07.2010, Parliament passed a series of amendments to legislation (Law No. 416-XII of 18.12.1990 on Police, Family Code, Criminal Code, Criminal Procedure Code, Civil Procedure Code, Law No. 45-XVI of 01.03.2007 on preventing and combating domestic violence) to regulate protective measures against domestic violence, including through the protective injunction.

121. Later the Government approved the minimum quality standards for social services provided to victims of domestic violence (GD No. 1200 of 23.12.2010). One of the principles of service delivery is non-discrimination ("the center will be open to all victims, regardless of race, color, sex, religion, political opinion, nationality, ethnic and social origins, marital status, disability, HIV status, etc."). Currently, in the country there are six centers specialized in supporting victims of domestic violence. The activity of these structures is financed by foreign grants and local government budgets.

122. To implement the provisions of art. 7, para. 3 of Law No. 45-XVI of 01.03.2007 and to ensure respect for human rights and human security, in the Republic of Moldova the

interministerial Coordinating Council on preventing and combating domestic violence (GD No. 72 of 07.02.2012) was established.

123. When providing social services, Law No. 123 of 18.06.2010 established as one of the rights of beneficiaries of social services "protection against all forms of violence, injury or physical or mental abuse, neglect, maltreatment or exploitation, as well as by information on any risk and other social rights" (art. 12, letter b). At the same time, the minimum quality standards of nationally regulated social services contain provisions on protection against abuse and neglect (Community Mental Health Center, Community Home, Personal Care, Protected Housing, etc.).

124. Civil society organizations still report cases of abuse of people with different types of disabilities placed in residential institutions and psychiatric hospitals.

125. For the purpose of inspecting the correct and uniform application of laws and regulations governing social assistance and social services of various kinds, the Government established the Social Inspection (GD No. 802 of 28.10.2011). The Social Inspection is a public authority under the Ministry of Labour, Social Protection and Family with powers of inspecting public and local authorities, as well as individuals and businesses, with roles and responsibilities in social assistance, including social service providers, public and private.

126. By Law No. 263 of 19.12.2011, the Parliament of the Republic of Moldova ratified the Convention for the Protection of Children against Sexual Exploitation and Sexual Abuse. This commitment involves increased measures to protect children, including the disabled ones, by the State.

Article 17 – Protecting the integrity of the person

127. In the Republic of Moldova, persons with disabilities are entitled, like other citizens, to protection of physical and psychological integrity, which is a right guaranteed by the Constitution.

128. Healthcare Law No. 411 of 28.03.1995, as subsequently amended, contains a number of provisions such as: patient's consent for any medical performance (art. 23, para. 1), voluntary surgical sterilization performed only with the consent of the person (art. 31, para. 1), and voluntary pregnancy disruption (art. 32). In the case of a person incapable of discernment, there are special provisions. According to the Healthcare Law, "the consent of an incapable of discerning patient is given by his legal representative; in his/her absence, by the closest relative" (art. 23, para. 3). In case of imminent danger of death or serious threat to health, the consent of the patient incapable of discernment, temporary or permanent, is assumed and is not required (art. 23, para. 4).

129. Law No. 42 of 06.03.2008 on transplantation of organs, tissues and human cells provides for the protection of persons who, because of disability, are unable to express consent on the removal of organs, tissues or cells. In accordance with art. 19, para. 1, "May not be collected organs, tissues or cells from a person who is unable to express consent, except the collection of regenerative tissues or cells". In the latter case, the collection will be approved by the independent Commission for approval.

130. Government Decision No. 1207 of 27/12/2010 regulates the organization and functioning of the independent Commission for approval of the Ministry of Health and the authorization criteria for collection and transplantation activities. The Regulation of this institution provides that in the authorization process of the donation of organs, tissues and human cells from a living donor, the Commission pays particular attention to cases in

which people are unable to understand the risks involved in donation/transplantation and/or to defend their rights independently, especially minors and persons with disabilities.

131. According to the provisions of the Law No. 60 of 30.03.2012 on the social inclusion of persons with disabilities, persons with disabilities shall provide their consent on the medical intervention personally, filling the voluntary informed consent or refusal in accordance with the current legislation (art. 42, para. 8).

132. Although there are no relevant statistics on the sterilization of girls/women with disabilities nor data on the number of forced abortions among girls/women with disabilities, we admit that these practices exist, particularly among girls/women who, because of disability, lack discernment and cannot use protective means. Civil society organizations report cases of abortions imposed on institutionalized girls/women with disabilities.

133. The Ombudsman Institution (Center for Human Rights in Moldova) is involved in the evaluation and monitoring of protecting the integrity of the person, especially for persons hospitalized in psychiatric institutions and prisons.

Article 18 – Liberty of movement and nationality

134. The right to citizenship and the right to freedom of movement are enshrined in the Constitution of the Republic of Moldova. According to the provisions of Article 17, para. 2 "No one may be deprived arbitrarily of his/her citizenship or the right to change it". Art. 27 of the Constitution guarantees the right to free movement within the country to every citizen, and the right to establish domicile or residence anywhere in the country, to leave, to emigrate and return to the country. There are no legal provisions that restrict these rights for people with disabilities.

135. The legislation of the Republic of Moldova guarantees issuing passports upon citizens' request for the purpose of exiting and entering the country. Minors and persons declared incapacitated by the court are issued passports pursuant to the request of the legal representative (Law No. 269 of 09.11.1994 on exiting and entering the Republic of Moldova). Provisions concerning persons declared incapacitated are to be modified as a result of the reform of legal capacity. The documentation of all citizens, including issuing passports, shall be carried out by the State Enterprise State Information Resources Center "Register".

136. During 2010–2011 and the first 8 months of 2012, incentives were granted to persons with disabilities in issuing 7.368 identity cards and 1.853 passports. Under the provisions of the Government of the Republic of Moldova No. 58-D of 17.05.2004, 3.622 persons with disabilities have acquired the passport of the citizen of the Republic of Moldova, with a 50 percent discount from its cost in 2010–2012.

137. Law on Citizenship of the Republic of Moldova No. 1024 of 02.06.2000 as subsequently amended contains provisions for granting citizenship by naturalization to persons with disabilities (art. 18, para. 2 B).

138. Birth registration is compulsory for every child in the Republic of Moldova. According to Law No. 100 of 26.04.2001 on the civil status with the subsequent amendments, civil status bodies are required to register every birth, without any difference or any special procedures for newborn children with disabilities. Upon registration of birth, every child, including disabled, is guaranteed the identity (name and nationality).

139. Compliance with development capacities of children with disabilities and their right to preserve their own identity is one of the principles of application of the new Law on Social Inclusion of Persons with Disabilities (Law No. 60 of 30.03.2012, art. 5).

Article 19 – Living independently and being included in the community

140. According to Law No. 169 of 09.07.2010 approving the Strategy on Social Inclusion of Persons with Disabilities 2010–2013, developing social services is one of the key objectives in implementing national policy of social inclusion of people with disabilities (para. 18 d and 22).

141. At the national level there are a number of laws and regulations governing social services, including in the disability field.

142. In accordance with the Law on Social Assistance No. 547 of 25.12.2003, as amended, social services is a set of measures and activities undertaken to meet the social needs of the person or family in order to overcome some difficult situations and prevent marginalization and social exclusion. Social services are provided with priority to a family environment, community and, as a last resort, residential institutions. Quality of social services is ensured by observance of quality standards approved by the Government (art. 10). The Law also states that in providing assistance, shall be respected the principle of individual autonomy (art. 4).

143. Law No. 123 of 18.06.2010 on social services establishes a number of rights of beneficiaries of social services, including "respect for fundamental rights and freedoms, with the exclusion of all forms of discrimination", "protection against all forms of violence, injury or physical or mental abuse, neglect, maltreatment or exploitation", "communication, in terms of accessibility, of information on fundamental rights and legal measures of social protection", "personal dignity and privacy of the beneficiary", etc. (art. 12).

144. Within the implementation of the National Program on the establishment of integrated social services for the years 2008–2012 (Government Decision No. 1512 of 31.12.2008), by Order No. 353 of 15.12.2011 of the Ministry of Labour, Family and Social Services the Nomenclature of social services has been approved. The Nomenclature defines all types of social services in the Republic of Moldova, the beneficiaries of these services, how to provide assistance to recipients, the indicative structure of specialized personnel for each type of service, and information on the regulation of existing services. According to the Nomenclature of social services, it follows that out of 40 types of social services existing at present in the Republic of Moldova, 17 types are exclusively designed for disabled people (children and adults), representing approximately 42% of the typology of social services. 13 other types of social services could be accessed including by persons with disabilities, if they were to find themselves in a particular difficult situation, also specific to other vulnerable groups (e.g., post-deinstitutionalization period, human trafficking, family abuse, old age, HIV/TB, etc.).

145. During the period 2010–2012, the Government has paid special attention to regulating and piloting community social services for persons with disabilities in pursuit of art. 19 of the Convention. It developed and approved regulations for the organization and operation and minimum quality standards for the following new services of community type for persons with disabilities:

- Social service "Safe House" – the purpose of this service is to create conditions for the development of independent living skills necessary for social and professional integration into the community of persons with mental disabilities (Government Decision No. 711 of 08.09.2010);
- Social service "Community House" – the purpose of this service is permanent care, the development of self-service skills and socialization of beneficiaries to ensure a lifestyle as much as possible close to the ordinary community one, to help increase their capacity to integrate (reintegrate) in the family and society (Government Decision No. 936 of 10.08.2010);

- Social service "Mobile Team" - the purpose of this service is to improve the quality of life of the beneficiary, through counseling, recovery and psychosocial rehabilitation services, in order to increase the degree of personal autonomy, of preventing institutionalization and of social inclusion. This service is designed for individuals with moderate to severe disabilities (including disabled children), and provides social assistance and resident support to a beneficiary under his/her identified needs, as well as counseling and support to caregivers (Government Decision No. 722 from 22.09.2011);

- Social service "Personal Assistance" – the purpose of this service is to provide assistance and care to children and adults with severe disabilities in order to promote their independence and integration into society in the fields of social protection, employment, healthcare, education, information, accessibility to the infrastructure, etc. (Government Decision No. 314 of 05.23.2012);

- Social service "Respiro" – the purpose of this service is to provide 24 hours specialized care service for persons with severe disabilities for a maximum of 30 days per year, time in which the families, relatives or people who care for those persons enjoy a period of rest (Government Decision No. 413 of 14.06.2012).

146. According to the Government Decision No. 691 of 17.11.2009 approving the Regulation on organization and functioning of the Ministry of Labour, Social Protection and Family, the structure and maximum authorized posts of the central apparatus thereof, the Ministry is coordinating and ensures the functioning of 7 residential institutions designated for persons with disabilities.

147. The deinstitutionalization of beneficiaries from residential social institutions and their reintegration into the home community and family represents a priority for the Government of the Republic of Moldova. In order to substitute the residential care system with a community system of support for persons with disabilities, alternative forms of residential services are gradually taking off in collaboration with and in partnership with various stakeholders.

148. By the decision of the Government No. 351 of 29 May 2012 the Regulation on the redirection of financial resources within the reform of the residential institutions has been approved. This document determines the manner of redirecting financial resources in the process of reforming residential institutions and provides the beneficiaries with a minimum package of social services and inclusive education services. It also contains regulations on determining the cost of social services and of inclusive education services for a beneficiary, planning financial means for these services and the competence of public authorities.

149. Law No. 60 of 30.03.2012 on Social Inclusion of Persons with Disabilities contains provisions on meeting the housing needs of persons with disabilities at Community level (art. 22). Providing housing and improving living conditions of persons with disabilities is provided by local public authorities at the place of residence of the person with disabilities.

150. According to the Ministry of Finance, in 2010 were allocated 228.4 million MDL for social assistance institutions and services, and in 2012 this figure was 265.6 million MDL. Under the economic crisis, the state faces substantial difficulties in increasing the budgets allocated for the development of community based services and therefore encourages public-private partnerships to diversify and increase the number of community based services, alternative to the residential ones.

Article 20 – Personal mobility

151. In order to facilitate the mobility of people with disabilities, the legislation provides support in the form of benefits and services.

152. Thus, according to the provisions of art. 49, paras. 1 and 2 of Law No. 60 of 30.03.2012 on the social inclusion of persons with disabilities, persons with severe and pronounced disability, children with disabilities and persons accompanying a person with severe disability or a disabled child shall be allocated compensations from local budgets for travel in the urban, suburban and interurban transportation. Additionally, persons with locomotor disability receive a compensation for the expenditure on transport services, or, upon request, persons with severe locomotor disability can choose the right to import a means of transport from abroad, with some exemptions. Provision pertaining to the exemption of import duty for the means of transport from abroad will come into force on 01.01.2014.

153. Compensations for transport shall be established by the territorial structures of social assistance, and paid from the funds of the budgets of the administrative-territorial units.

154. In 2011, 146,780 persons with disabilities have benefited from compensation for travel on public urban, suburban and interurban transport, the total amount paid for this purpose amounted to MDL 51.6 million, and about 8,139 persons with locomotor disability have received the compensation for transport services, the total amount paid for this purpose amounted to MDL 3 million.

155. According to the Healthcare Law No. 411 of 28.03.1995, if necessary, individuals are provided with prostheses, orthopedic and correction items, with hearing aids, devices of curative physical culture and special means of locomotion (art. 54 para. (1)).

156. Art. 51 of Law No. 60 of 30.03.2012 on the social inclusion of persons with disabilities states that persons with disabilities, based on their medical prescriptions, have the right to be provided for free or partially free with technical aids by the Republican Centre of Experimental Prosthesis, Orthopedics and Rehabilitation (CREPOR) and other specialized institutions, as provided by Government.

157. CREPOR is a state enterprise (funded from the state budget) under the Ministry of Labour, Social Protection and Family and it is a medical / technical facility with basic responsibilities in rehabilitation and providing persons with locomotor disabilities with technical aids. The Regulation on how to ensure certain categories of citizens with technical aids has been approved by the Government Decision No. 567 of 26.07.2011. The Regulation sets out:

- Conditions for providing technical aids and categories of persons to be provided free of charge, with a price discount and those paying the full cost of the technical aids;
- Medical indications for the prescription and manufacturing technical aids;
- Compilation of orders for the technical aids;
- Terms of manufacturing and operation of technical aids, etc.

158. Pursuant to the provisions of the Regulation, persons with locomotor disabilities, including children, are provided with the technical aids, complex orthopedic, special and prostheses footwear free of charge.

159. In the year 2011, within the CREPOR 1,537 units of prosthetic-orthopedic items and 2010 units of non-mechanized locomotion items have been manufactured and issued to persons with locomotor disabilities. During 2011, CREPOR has provided services to a

number of 78.832 persons with disabilities, of which 8.214 have been serviced at place of residence, with medical-technical teams traveling into the field.

Article 21 – Freedom of expression and opinion, and access to information

160. According to the Moldovan Constitution (art. 32, paras. 1, 2), "All citizens are guaranteed the freedom of opinion as well as the freedom of publicly expressing their thoughts and opinions by way of word, image or any other means possible. The freedom of expression may not harm the honor, dignity or the rights of other people to have and express their own opinions or judgments".

161. Art. 34, paras. 1 and 2 of the Moldovan Constitution guarantees "the right of the individual to have access to any information of public interest. According with their established level of competence, public authorities shall ensure that citizens are correctly informed both on public affairs and matters of personal interest".

162. Law No. 60 of 30.03.2012 on the social inclusion of persons with disabilities guarantees the access to information of persons with disabilities (art. 25, paras. 1–8). Thus, the State: recognizes and promotes the use of sign language and other alternative forms of communication as a means of communication between persons; promotes the access of persons with disability to information and mass media and information technology and electronic communications; ensures editing, through alternative forms of communication (Braille system and phonetic variant in simple and understandable language, etc.), of artistic literature, textbooks and other teaching materials and training means.

163. At the same time, public authorities and public institutions are required to make their websites accessible to persons with disabilities, in accordance with international guidelines for accessibility; businesses, providing services in the field of communication and information, set discounts for persons with disabilities for the payment of such services; public authorities shall hire, if necessary, a sign language interpreter unit which provides communication between authorities and persons with impaired hearing.

164. Art. 14, para. 1, letter a of the Law on Informatics, No. 1069-XIV of 22.06.2000, states that "Those who create and provide information products or those providing information services are obliged to ensure and guarantee the users of products and services that these are not likely to affect human rights".

Article 22 – Respect for privacy

165. The Constitution of the Republic of Moldova establishes that "The State shall respect and protect private and family life. The domicile is inviolable. No one may enter upon or stay on the premises of a domicile without the owner's consent" (art. 28 and art. 29 para. 1).

166. For the purposes of applying the Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, the Law on the protection of personal data, No. 133 of 08.07.2011, was adopted. The purpose of the law is the protection of fundamental rights and freedoms of individuals with regard to processing of personal data, in particular the right to inviolability of intimate, family and private life. Article 5 of the Law establishes the procedure for processing personal data.

167. Art. 15, para. 1 of the Law on Informatics, No. 1069-XIV of 22.06.2000, states that "personal data concerning racial or ethnic origin, political opinions, religious beliefs or

other convictions, data on health or sex life of the person and the ones referring to criminal records shall be considered special category of information and may not be subjected to holding and processing in databases. Such data can be processed and held by specially constituted bodies authorized for this and who are required to take appropriate security measures of protection and nondisclosure".

168. The Criminal Procedure Code, No. 122 of 14.03.2003, sets out procedures regarding respect for the human rights, freedoms and dignity, also the right to inviolability of the person, home, property, privacy, etc., in cases of criminal proceedings, with no distinction between persons with and without disabilities (arts. 10–15).

169. Although Law No. 123 of 18.06.2010 on social services sets out "respect for personal dignity and privacy of the recipient of services", for persons with disabilities placed in residential institutions, we recognize that it is difficult to fully ensure this right. This requires considerable investment in renovating and redesigning the buildings of these institutions, which are foreseen for a very large number of persons (200–400 persons). Currently the State policy is aimed at reforming these institutions and the development of alternative community-based services.

Article 23 – Respect for home and the family

170. The right to family is a constitutional right. According to the Constitution of the Republic of Moldova "The family is founded on the freely consented marriage of husband and wife, on the spouses' equality of rights and on the duty of parents to ensure their children's upbringing and education" (art. 48, paras. 1 and 2).

171. The right to marry is not recognized for persons declared incapacitated by the court (for people with intellectual and severe psychosocial disabilities). Thus, the Family Code provides that "marriage is not permitted between persons of whom at least one was deprived of legal capacity" (art. 15, para. 1, letter f). These provisions are to be modified following the reform of legal capacity.

172. Law No. 185 of 24.05.2001 on reproductive health and family planning recognizes the universal access of individuals to their free realization of the reproductive rights and family planning services, without discrimination, and without indicating possible discrimination criteria on the basis of disability.

173. With the support of the United Nations Population Fund (UNFPA), throughout the Republic 47 reproductive health clinics in all Family Health Centers were opened. The offices provide information and educational classes for teenagers, young married couples, classes on contraception, prophylactic screening. This year (2012), the Ministry of Health in partnership with UNFPA conducted a workshop on "Universal access to reproductive health services".

174. In order to prevent institutionalization, counsel parents and develop parental skills for care and education of children with disabilities, the "Mobile Team" service was created, operating in 9 rayons of the country.

175. In order to improve the social assistance system in the Republic of Moldova, Law No. 133 of 13.06.2008 on social assistance was adopted. The Law aims to ensure a minimum guaranteed monthly income for disadvantaged families, including those who have members with disabilities, through providing them social aid, set in accordance with the evaluation of the average monthly income of the family and assistance need.

176. We recognize that currently, the forms of residential training and social protection of disabled children, usually located away from their communities of origin, directly affect

family relationships. Therefore, the Government continues to advance the residential system reform and to replace it with a system of support at the community level.

Article 24 – Education

177. In the Republic of Moldova, the access to education for children with disabilities is provided through inclusive education (general education schools of all levels), through special education (specialized institutions by type of disability), and through training at home. All preschool and school institutions equally provide access to education for girls and boys.

178. Preschool education for children with disabilities are carried out in 33 preschool institutions with specialized and inclusive groups that educate 2,290 children. Special education for disabled children is carried out in: 21 auxiliary boarding schools which provide care and education to children with mental disabilities, and in 7 special boarding schools providing care and education for children with sensory and locomotor disabilities. Within special institutions, students with visual or hearing disabilities enjoy the most appropriate and individualized languages, channels and ways of learning (Braille, sign language, audio materials, etc.).

179. In the academic year 2011–2012, 2,561 children with disabilities were educated in special and auxiliary institutions and 1,600 children were educated at home.

180. The implementation of inclusive education models conditioned the decrease in the number of children with disabilities in residential institutions and the increase in the number of children with disabilities included in general education cycle. The Ministry of Education, in partnership with NGOs working in the field of disability, has piloted inclusive education models in 20 rayons of the country. Thus, during the 2011–2012 academic year, approximately 1,604 children with special educational needs, including with disabilities, received support services within 291 general education institutions.

181. In recent years the Government has taken significant steps to reform the residential system and promoting inclusive education. The National Strategy for the reform of the residential childcare system for 2007–2012 was adopted and implemented. In 2008, with the support and technical assistance from UNICEF, the Implementation Unit of the National Action Plan for the reform of the residential childcare system has been established. In 2010, under the Ministry of Education the Coordinating Council for the reform of the residential childcare system and development of inclusive education was created. As a result, during the implementation period of the Action Plan, 11 residential institutions have been closed. Currently the Ministry of Education, together with the social partners, finalizes the Framework Plan to transform the residential child care system for the period 2012–2015, which provides for reorganization of 22 residential institutions.

182. By Government Decision No. 523 of 11.07.2011 the development of inclusive education program in the Republic of Moldova for 2011–2020 has been approved. The program places inclusive education to the rank of educational priorities, and foresees the provision of conditions for inclusion of children deinstitutionalized from the residential education and enrolment and inclusion of children with special needs in general schools. The document sets out the conceptual framework of inclusive education, based on the need to continuously change and adapt the national education system to meet the diversity of children and the needs arising from it.

183. The most important results achieved during the last two years, following the collaboration between the Ministry of Education, local governments and partner NGOs providing technical assistance in promoting inclusive education, are:

- Establishment of psycho-pedagogical assistance services for children with special educational needs in 9 rayons;
- Creation of 35 resource centers for inclusive education in 16 rayons;
- Providing didactic-methodical support for inclusion of children and youth with disabilities in mainstream schools through tools such as: Individualized Educational Plan, Methodological guidelines on curricular adaptations and assessment of student progress in the context of inclusive education, final assessment and certification of students with special educational needs enrolled in compulsory education.

184. Beginning on 01.01.2013, in all administrative units of the second tier, rayon/municipal psycho-pedagogical Services are to be created, as well as a Republican Service for psycho-pedagogical assistance. In addition, each school with inclusive practices will create resource centers and establish teaching units to support children with special educational needs, under the provisions of the Government Decision No. 351 of May 29, 2012 "for the approval of the Regulation on the redirection of financial resources under residential institutions reform". In order to achieve the provisions of the above-mentioned decision, the expenditures for education were supplemented with funds in the amount of 29,864.5 thousand lei for hiring teaching support units and funds amounting to 37,224.0 thousand lei for resource centers, while for creating and operating the rayon/municipal services of psycho-pedagogical assistance have been provided 22,186.5 thousand lei.

185. Vocational education for young people with disabilities is conducted in secondary vocational education institutions and secondary specialized institutions (colleges). Regulations on the organization and deployment of admission to secondary vocational education and secondary specialized institutions in the Republic of Moldova, approved by the Order of the Ministry of Education No. 606 of June 30, 2010, as subsequently amended, provide some facilities for the enrollment of youth with disabilities (15% of the total number of seats in each profession/specialty, foreseen for the enrollment plan with budget funding). Currently, in 66 secondary vocational education institutions are studying 139 students with disabilities. In 22 colleges under the Ministry of Education 176 students with disabilities are professionally trained.

186. In university education, only 23 young people with locomotive disabilities are currently enrolled in 6 state higher education institutions.

187. In order to facilitate the access to higher education for students with visual disabilities, with the support of Tempus program, under the State University of Moldova the first support center "Without Barriers" was created. In this center, students and pupils with visual disabilities benefit from custom scanning service of books, manuals, or any other materials, converting materials in accessible formats – audio, etc., unlimited free internet browsing, Braille format and flat writing (regular) printing.

188. An important component in ensuring access for people with disabilities to education is the training of specialists from the educational system. Thus the "Inclusive Education" course became a component of mandatory initial training of teachers in higher and secondary specialized education levels. The "Inclusive Education" module is implemented in colleges and universities, for pedagogical specialties, starting from September 1, 2012 for cycles I and II in universities and in pedagogical colleges for the fourth year. During January–August 2012 about 700 professionals and decision-makers underwent capacity-building in the field of inclusive education.

189. To ensure the access to education for children with disabilities, in 2010 the Government allocated MDL 156.3 million and for 2012 has planned MDL 162.4 million. With the entry into force of Law No. 60 of 30.03.2012 on the social inclusion of persons with disabilities, the Government will identify additional resources.

190. According to the new law, the State shall ensure appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille system, and other alternative modes of communication. Also, the law requires educational institutions to provide reasonable accommodation for learning conditions, creating within the education institutions of all levels of support services for persons with disabilities and/or equipping these institutions with the necessary equipment to support and foster inclusive education of persons with disabilities.

191. In order to implement the Law, the Government should adopt and implement strategies and mechanisms to ensure the inclusion in the education institutions of all levels of persons with disabilities. The Ministry of Education is currently in the process of consultation and review of the Strategy "Education 2020".

Article 25 – Health

192. According to Law No. 1585 of 27.02.1998 on compulsory health insurance, the Government has the quality of insurer for children; people with disabilities; people who take care at home of a disabled child with severity I, or an immobilized person with disabilities from the childhood of I degree and other disadvantaged persons. Persons with disabilities are provided the same health care package as others, including in sexual and reproductive health, in the amount set by the single program of compulsory health insurance.

193. Also, persons with disabilities have equal access to the National Programs of particular destination, according to which the Ministry of Health centrally procures drugs required to provide to patients suffering from several diseases.

194. According to the provisions of the single program of compulsory health insurance, the insured, including those with disabilities, enjoy the following types of medical care: urgent pre-hospital stage care; primary care; hospital care; specialized outpatient care; costly laboratory and instrumental investigations, provided within the republican health-care institutions. These measures allow early diagnosis of diseases and intervention, if necessary, to prevent the occurrence of disabilities, including among children.

195. Medical assistance for the disabled persons is organized as close as possible to the place of their residence through the family doctor.

196. Also, to ensure access to health care, the travel of specialized doctors in rural areas is being secured.

197. To ensure the quality of provided medical services and equal access to information, patients with disabilities, as well as the others, are provided medical services on the basis of informed consent. Law No. 60 of 30.03.2012 on Social Inclusion of persons with disabilities states that "During the medical examination and treatment, the disabled person is entitled to request information about the medical procedures he/she is subjected to, the potential risk posed by those, their therapeutic effectiveness and about alternative methods, but also about the diagnosis, prognosis and progress of treatment and prophylactic recommendations in an accessible format." (art. 42, para. 11).

198. To ensure the access of population, including of persons with disabilities, to the health care, given the means of the mandatory health insurance funds, the Ministry of Health increases annually the volume of health-care provided by the healthcare institutions.

199. Concomitantly, in order to improve the health-care quality, in accordance with the single program of compulsory health insurance, the Ministry of Health coordinates the compensation of medicines from the mandatory health insurance funds for outpatient treatment.

200. The list of compensated medicines and the list of diseases is being extended annually, depending on priorities and cost-effectiveness of medical substances. Amounts envisaged for compensated medicines are increased every year. Thus, in 2010 116.8 million MDL were planned and used; in 2011, 150 million MDL, and in 2012 this amount reached 162.6 million MDL. The range of preparations used for treatment in outpatient, day care inpatient and home conditions is also increasing.

201. In order to increase access to advanced medical services, by the Government Decision No. 184 of 29 March 2012, "For the approval of amendments and additions made to the single program of compulsory health insurance" the range and number of advanced diagnostic medical services has increased.

202. In 2010, the costs for community medical care, home care and palliative care service provision were estimated and approved, which allows providing these services under contracts of service delivery with the National Health Insurance Company.

203. There are currently contracted three NGOs for the provision of medical care at home. At the same time, increasing the number of health care providers at home will allow greater access for people with disabilities to this type of medical and social assistance.

204. People with severe motor disabilities, immobilized, are visited at home by family doctors, family nurses and specialists in the field. Upon indications, they are sent for examination and treatment under territorial or republican medical institutions.

205. In order to maintain the health and life quality of patients, including of persons with different types of disabilities, in 2010 the Service of Medical Rehabilitation and Physical Medicine was established, which provides for coordinated and combined medical, clinical, functional, psychological, social and educational rehabilitation measures.

206. In order to ensure and adapt the public health institutions to the needs of persons with disabilities and to ensure their unrestricted access to the health facilities, has been issued the Order No. 611-d of 22.12.2010, "on the organization of access to health care".

Mental health services

207. With the support of the Swiss Agency for Development and Cooperation, which assists the Republic of Moldova under the Agreement between the Government of the Republic of Moldova and the Government of the Swiss Confederation on humanitarian assistance and technical cooperation, has been implemented the project "Developing the system of community-based mental health services in Moldova".

208. The project aimed at the development and approval of the mechanisms and instruments for developing Community-based Mental Health Services, developing a model of organization and funding of medical and social services for Mental Health, and the creation of the National Center for Mental Health. The Center is responsible for methodological coordination and training of specialists in the field, for treatment, rehabilitation and information of persons with mental health disorders. The Training Program in the field of community psychiatry has also been developed, and an information campaign was conducted in the field of community mental health care.

209. As a result of project implementation, the Regulation-Framework for the Community-based Mental Health Center and for the minimum quality Standards by the Government Decision No. 55 of 30.01.2012 have been developed and approved, and by Order No. 482 of 13 July 2010 the Regulation for the National Center for Mental Health has been approved. The Strategy for developing community-based mental health services is under development.

210. With a view to educating specialists in mental health, new modules, as well as a complete training curriculum for university graduates and post-graduates were developed. The new curriculum was approved on May 13, 2010, at a roundtable.

211. Subsequently, 6 seminars on "Mental health reform" were organized, "Mental Health and the issue of eradicating poverty in the Republic of Moldova" for 3 categories of professionals (two for each): nurses working in psychiatric institutions; professionals in psychiatric hospitals, decision-makers from local public authorities (LPAs) and NGOs active in the field.

212. The following guides have been developed and published: "Psychosocial Rehabilitation in Mental Health" (500 ex.), "Case management" (500 ex.), "Community affirmative therapy" (500 ex.), "Crisis Resolution and mental health home treatment teams" (500 ex.), "Mental health and the issue of eradicating poverty in the Republic of Moldova" (500 ex.), "Types of community-based mental health services" (500 ex.), "Quality management of mental health services" (500 ex.), "Mental health therapy" (170 ex.-Russian, 170 ex.-Rom.), "How does a community-based mental health service function" (500 ex.), "Community mental health team" (500 ex.). Additionally, the "Legislative and Regulatory Guidelines in providing mental health services" has been developed in order to provide the specialists in the field a comprehensive source of existing legislative base in the Republic of Moldova.

213. Under the information and awareness raising campaign on mental health, two magazines "Equilibrium" were developed and published, addressing schizophrenia and autism (500 ex.), and two newspapers "Advocacy in Mental Health" have been published, on themes of general mental health issues (500 ex.).

214. In order to improve the access for people with intellectual and psychosocial disabilities to specialized psychiatric services, including medical and social rehabilitation, the Ministry of Health has approved: Order No. 511 of 28.07.2010 On the implementation of the project The development of community-based mental health services in the Republic of Moldova", and Order No. 591 of 20.08.2010, on the organization and functioning of Mental Health Service in the Republic of Moldova. By Government Decision No. 55 of 30.01.2012 the Framework Regulation for the Community-based mental health center and the minimum quality standards has been approved. Currently, four community-based mental health centers are contracted by the National Health Insurance Company, allowing their operation to ensure the social integration of persons with psychosocial disabilities and bringing closer specialized services to their place of residence. On March 30, 2011 the National Center for Mental Health started operating.

215. The reorganization of specialized psychiatric healthcare institutions has been initiated in order to provide the necessary conditions for stay of patients and respect for human dignity, privacy of persons with psychosocial disabilities and ensuring their family and social integration.

216. In order to ensure patients' access to medicines purchased in a centralized manner from the State budget sources, for carrying out the actions of the National Program on Mental Health, "Ensuring psychotropic, anticonvulsant medications for free outpatient treatment to support patients with schizophrenia and epilepsy", the Government Decision No. 323 of 28.04.2010 "On amending and supplementing Government Decision No. 1372 of 23.12.2005" has been approved.

217. Order of the Ministry of Health No. 507 of 26.07.2010, "On the establishment of the Mental Health Steering Committee" regulates the mechanism of monitoring and coordination of mental health services and the implementation of reforms in the field.

218. To adjust current psychiatric legislation to the provisions of the Council of Europe and the United Nations on observance of human rights, a working group has been established and the action plan approved. In this regard the Ministry of Health issued Order No. 290 of 30.04.2010 "On establishment of the working group on human rights observance in mental health" and Order No. 390 of 11.06.2010 "On approval of the work plan on normative and legislative expertise related to human rights in mental health".

Health of children with disabilities

219. Beginning on 1 January 2008, the Republic of Moldova passed the criteria for determining the vitality of newborns, in line with the World Health Organization standards. In order to detect early the risk of developing various diseases and to prevent disability and death among children, in 2010 the Republican newborn diagnostic and monitoring service was established and regulated.

220. At the initiative of the Ministry of Health, measures are taken to establish the National Early Intervention Service for Children. A Draft Regulation of organization and functioning of the service and the quality standards are in the process of public consultation.

221. To diversify and develop services to prevent the abandonment and institutionalization of children, Maternity Units to place mothers with children have been opened and are operating. In order to develop community-based social services for children with disabilities and their families, Day Care units for children with disabilities have been created and there are plans to open a new unit – the Unit of Community-based social and rehabilitation services.

222. Government has developed and approved the mechanism for cross-sectoral collaboration in medical and social care, to prevent and reduce the rate of infant mortality and mortality of children aged up to 5 years, at home.

Article 26 – Habilitation and rehabilitation

223. Law No. 60 of 30.03.2012 on social inclusion of persons with disabilities establishes the right to medical and social recovery of persons with disabilities, including measures related to disability prevention, early intervention, individual program of rehabilitation and social inclusion. The individual program of rehabilitation and social inclusion sets out general recommendations for activities and services in the medical, social, educational and professional fields, needed by the person in the social inclusion process.

224. Central and local public authorities organize and contribute to the formation and development of medical and social rehabilitation system of persons with disabilities. The rehabilitation system is designed to help the person to achieve and maintain an optimal level of physical, intellectual, mental and social activity, concomitantly providing him/her the means for changing the lifestyle and achieving as great an independence as possible.

225. The social assistance law, No. 547 of 25.12.2003, stipulates that the objectives of social assistance are to prevent and overcome the difficulty for individuals and families and to ensure their social integration with respecting the principle of autonomy. Professional training of the staff from the social assistance system is set out in art. 16 of the Law.

226. Specialized health care institutions provide people with disabilities with specialized rehabilitation equipment and items (ocular prostheses, hearing aids, tiflo-technical means, optical means, etc.). According to the Ministry of Health, annually about 1,300 people with impaired hearing receive prosthetic hearing, the procurement of hearing aids is carried out from centralized sources of the Ministry of Health. To implement these activities, in 2011

MDL 1.4 million were allocated and for 2012 MDL 1.5 million were planned. Annually about 900 people with disabilities benefit from prosthetic joints, contracted from the mandatory health insurance funds.

227. By the Government Decision No. 567 of 26.07.2011 the Regulation on how to provide certain categories of citizens with technical aids was approved. The provision of technical aids is carried out by the State Enterprise "Republican Experimental Center of Prosthesis, Orthopedics and Rehabilitation" under the Nomenclature of technical aids.

Article 27 – Work and employment

228. The Constitution of the Republic of Moldova (Art. 43, paras. 1 and 2), states that "Every person has the right to freely choose his/her work, and to benefit from equitable and satisfactory working conditions, as well as to be protected against unemployment. All employees have the right of work protection. In this respect the protective measures will bear upon work security and hygiene, working conditions for women and young people, the introduction of minimum wages across the national economy, the weekly period of rest, the paid holidays, difficult working conditions, as well as other specific situations." Article 44 of the Constitution provides that "Forced labor is prohibited".

229. By Law No. 60 of 30.03.2012 on the social inclusion of persons with disabilities the integration into labor market of persons with disabilities (art. 33–40) is guaranteed, including the right to employment, the employment forms, employer's obligations regarding the employment of persons with disabilities, working time and holidays, vocational orientation, training and rehabilitation.

230. The National Employment Agency (NEA) is the central body tasked with promoting policies, strategies and programs in the field of employment and social protection of all jobseekers, preventing unemployment, including for persons with disabilities.

231. To ensure access to a greater number of persons with disabilities to services provided by the NEA and its territorial structures, in 2011, by Law No. 56 of 09.06.2011 amending certain legislative acts, amendments have been made to the Law on employment and social protection of jobseekers, No. 102-XV of 13.03.2003. Thus, persons with disabilities who are seeking employment are entitled to benefit from active measures to foster employment provided by NEA: information, professional consultation, labor mediation, guidance and vocational training.

232. To implement the measures to facilitate access to the labor market of persons with disabilities, in the State Budget Law for 2012 funds for hiring 43 additional staff units within the Territorial Employment Agencies are approved. These additional staff units will be responsible for providing employment services and unemployment protection to persons with disabilities.

233. During 2011, 650 persons with disabilities have benefited from NEA services, and in the first half of 2012 – 335 persons with disabilities.

234. Inclusion in the labor market of persons with disabilities is currently performed by the means of:

- Career guidance and vocational training services;
- Organizing job fairs;
- Informing persons with disabilities about the labor market;
- Electronic mediation services, including through accessing the portal www.angajat.md;

- Support from the State for specialized enterprises of public organizations, within which are working 50% and more persons with disabilities.

235. Currently, under public associations of persons with disabilities 15 specialized enterprises operate, within which 519 employees are working, of whom 315 are persons with disabilities, including:

- Deaf Association of the Republic of Moldova is the founder of 7 specialized companies within which 158 employees are working, of whom 94 are disabled;
- Invalids Society of the Republic of Moldova is the founder of three specialized businesses within which 191 employees are working, of whom 112 are disabled;
- Blind Society of the Republic of Moldova is the founder of 5 specialized companies within which 170 employees are working, of whom 109 are disabled.

236. Annually, funds for the state budget are approved to partially offset the mandatory State social insurance contributions, payable by the above mentioned organizations and businesses, as are funds for the purchase of equipment and raw materials.

237. According to the provisions of the legislation in force, the specialized companies also benefit from tax breaks, such as provided for in art. 103, para. 7 of the Tax Code. VAT does not apply to raw materials, materials, completing items and accessories necessary for the production, imported by organizations and companies of the Blind Society, Deaf Society and Invalids Society, according to the list and in the manner prescribed by the Government.

238. Concomitantly, starting in 2012, under art. 4, para. 18, letter b of the Law for the implementation of Title III of the Tax Code, No. 1417 of 17.12.1997, are exempt from paying to the budget the value added tax of goods produced and services provided by organizations and companies of the Blind Society, Deaf Society and Invalids Society, according to the list approved by the Government.

239. In order to ensure the right to work of persons with disabilities, the Government will take measures to incentivize public and private employers, and to identify means necessary for vocational rehabilitation, training the specialists in charge of labor inclusion and support services for persons with disabilities including at employment and maintaining the job.

Article 28 – Adequate standard of living and social protection

240. According to the Constitution of the Republic of Moldova (art. 47, paras. 1, 2), "The State is obliged to take action aimed at ensuring that every person has a decent standard of living, whereby good health and welfare, based on available food, clothing, shelter, medical care, and services are secured for that person and his/her family. All citizens have the right to be insured against such adversities as unemployment, disease, disability, widowhood, old age or other situations where, due to causes beyond one's control one loses the source or means of obtaining the necessities of life."

Social protection of persons with disabilities

241. In the Republic of Moldova the social protection of persons with disabilities is provided through the social insurance system (pensions) and social benefits, and through various social services.

(a) Social insurances

242. In accordance with Law No. 156-XIV of 14.10.1998 on State Social Insurance Pensions, the person with a degree of disability, caused by a common disease, receives a

disability pension if he/she meets the conditions of the contribution period in relation to his/her age at the date of the determination of disability. Annually, on April 1, the indexation of pensions takes place, including of disability. In 2012, the disability pensions indexation coefficient was 9.6%. About 132,900 persons with disabilities receive disability pensions.

(b) Social benefits

243. The social benefits are granted as compensations, allocations, allowances, social, material and other kind of assistance. According to the provisions of the legislation in force, persons with disabilities, including children with disabilities under the age of 18, receive several types of social benefits, namely, those described below.

State social allocations

244. Law No. 499-XIV of 14.07.1999 provides for state social allocation to persons with disabilities, including children with disabilities, who do not qualify for the right to a pension from the state social insurance budget. In 2012, the disability social benefits indexation coefficient was 7.6%. About 44,000 persons with disabilities receive state social allocations.

Care allocation

245. Law No. 499-XIV of 14.07.1999 provides for allocations for the care for the following categories of persons with disabilities:

(a) People who care at home for a disabled child under the age of 18, with severity I;

(b) Persons with disabilities of I degree since childhood, provided that these persons are not under the full care of the state;

(c) Persons with visual disabilities I degree (blind) - for accompanying and home care.

246. About 15,748 persons with disabilities receive care allocations.

Monthly state allocations

247. Law No. 121-XV of May 3, 2001, provides for the establishment of a monthly state allocation to certain categories of citizens, including persons with war disabilities and persons assimilated with them. About 3,711 persons with disabilities receive monthly state allocations.

Transport compensations

248. Law No. 60 of 30 March 2012 provides for the establishment of compensation for travel on public urban, suburban and interurban transport (except taxis) to persons with severe and pronounced disabilities, children with disabilities and persons accompanying a person with pronounced disabilities or a disabled child. In 2011, 146,780 persons with disabilities have received the nominated compensation.

Annual compensation for transport services

249. By the Government Decision No. 1268 of 21.11.2007 "On the compensation of the transport service expenses of persons with locomotor disabilities" the right to annual compensation for transport services has been granted to persons with locomotor disabilities.

In 2011, around 7,804 persons with locomotor disabilities received compensation for transport services.

Social aid and aid for the cold season

250. In order to streamline the social assistance system, the Moldovan Parliament has adopted the Law on social aid, No. 133-XVI of 13 June 2008.

251. The law aims to ensure a minimum guaranteed monthly income for disadvantaged families by providing social aid, determined in accordance with the assessment of the average monthly income of the family and need assistance.

252. During 2011, about 80,000 families received social aid (including families with disabled family members).

253. From January 2011 the aid for the cold season has been introduced – a benefit additional to the social aid, set in a fixed amount and paid for winter months (November to March) to support the extra effort of the families to pay increased energy costs during this period. About 77,000 families benefited from aid for the cold season, November 2011–March 2012.

(c) Social services

254. Social services are a set of measures and activities undertaken to meet the social needs of the person or family in order to overcome some difficult situations and prevent marginalization and social exclusion.

255. By the Government Decision No. 1512 of 31 December 2008, the National Program on creating integrated system of social services for the years 2008–2012 has been approved. It aims at rapidly expanding community-based and specialized social services and at significantly improving the efficiency and effectiveness of highly specialized social services. Combining prevention and rehabilitation measures, and resolving cases at community level before they worsen, the system will become more efficient in terms of costs, will cover all those in need of social support and will have a positive impact on the quality of life of persons at risk, including persons with disabilities.

256. To meet the individual, family or group social needs, in the Republic of Moldova the following types of social services are developed and operated.

Community social services

257. *Social care services at home*. Home care provides a range of services and facilities offered in the community to persons depending on support, so that they can live independently as much as possible in their own families and in the community to which they belong.

258. According to information provided by the local social assistance structures, 2,475 social workers provide social care services at home for about 25,182 solitary persons, and persons with disabilities.

259. The social canteens are a primary social service, which aim to provide a daily lunch to persons from groups in need, including persons with disabilities.

260. In the country 116 social canteens operate; about 5,198 elderly and disabled persons, families with children at risk, etc. have benefited from social canteen services.

261. *Community social assistance service* is a core social assistance established at the community level that provides support in addressing situations of difficulty for most social problems. Community social assistants are responsible for identifying and assessing

potential beneficiaries, they develop individualized care plans, provide basic social services, and perform referral of cases to specialized social services. In the country 1,140 social assistants are employed and working in municipalities.

Specialized social services developed locally

262. Specialized social services are provided to beneficiaries who need rehabilitation or long time intensive assistance from qualified specialists.

263. In the country approximately 122 social services for persons with disabilities and the elderly operate, including:

- 34 day care centers for 2,271 beneficiaries;
- 11 temporary placement centers for 188 beneficiaries;
- 34 mixed centers for 1,696 beneficiaries;
- 7 socio-medical rehabilitation centers for 463 beneficiaries;
- 33 asylums for 663 beneficiaries;
- 3 care/placement services for 192 beneficiaries.

264. The process of specialized social service provision requires the participation of a team of professionals: social assistants, nurses, psychologists and social workers, which contribute to the provision of quality social services.

Highly specialized social services developed at the national level

Recovery rehabilitation services and balneary-sanatorium treatment

265. The Ministry of Labour, Social Protection and Family is in charge of two rehabilitation centers for disabled persons and elderly. "Speranta" Center specializes in the prevention, treatment and rehabilitation of people with cardiovascular disease, neurosis with functional disorders of the cardiovascular system, spinal osteochondrosis, deforming primary osteoarthrosis, neurological diseases, cerebral palsy. "Victoria" Center specializes in the prevention and treatment of the musculoskeletal system, metabolic, genital disorders, cardiovascular system and specific diseases of the respiratory system. In 2011, the centers have provided services to a number of 8113 persons.

Residential services for persons with disabilities

266. Under the Ministry of Labor, Social Protection and Family there are 9 social institutions for persons with disabilities, including:

- 4 psycho-neurological "internats": Brinzeni village, Edinet rayon; Badiceni village, Soroca rayon; Cocieri village, Dubasari rayon; and Balti;
- 2 boarding schools for mentally disabled children (boys) in Orhei and (girls) in Hincesti;
- 2 social institutions for elderly and disabled persons: Republican Asylum for the elderly and disabled persons in Chisinau and the Republican Rehabilitation Centre for persons with disabilities, labor and war veterans in Cocieri village, Dubasari rayon;
- "Speranta" Center for children with special educational needs in Criuleni.

267. These institutions provide social and medical services to beneficiaries: accommodation, care, food, clothing and footwear, occupational therapy, cultural activities, physical therapy, nursing.

268. Currently in the 9 residential social institutions subordinated to the MLSPF about 2,100 people are placed, of whom about 1,700 are persons with mental disabilities (intellectual and psycho-social ones), including about 580 children.

269. In recent years the number of beneficiaries in residential institutions for elderly and persons with physical disabilities decreased due to the development of community support and placement social services. In psycho-neurological profile boardings the number of beneficiaries remains constant, because such social services or alternatives to those residential ones are missing or are underdeveloped locally. Community social services, including community mental health centers, are located in urban areas which limits the access to them for people from remote rural areas.

Residential system reform and social services development

270. Based on the national policy priorities in the field of social assistance and policies for the deinstitutionalization and prevention of institutionalization, the development of community-type social services has become a key objective for the Government of the Republic of Moldova. In order to achieve this goal, all the line ministries which coordinate residential institutions (Ministry of Labour, Social Protection and Family, Ministry of Education, Ministry of Health) have been involved.

271. In the regulation and coordination of social services development, an important role was allotted to the Ministry of Labour, Social Protection and Family. The Ministry establishes partnerships with various NGOs and foreign donors to facilitate the development of community-based services, gradually replacing the residential care system for persons with disabilities.

272. An example of good practice in this respect is the "Moldova – and Inclusive Community" (2008–2016) program implemented by the Keystone Human Services International Moldova Association NGO in partnership with the Ministry of Labour, Social Protection and Family. The program aims to contribute to reforming the system of care and social protection of persons with disabilities with a view to their social inclusion. So far, 1,356 people, including 686 children and 670 adults with disabilities and their parents, have received social assistance under this program. During 2009–2012, over 30% of children and young people placed in the residential institution "Boarding house for children with mental disabilities Orhei" were deinstitutionalized. They were reintegrated into their biological families with support services (personal assistance, psychological counseling, nursing, teacher support, etc.), or under family-type community services (professional parental assistance) or placement (community home, protected home). Thus, for the deinstitutionalized children and young people, and those at risk of institutionalization in the "Boarding house for children with mental disabilities Orhei", the Program implementing association, in partnership with the LPA, has developed about 70 community support social services.

273. Beginning on 01.01.2013, in 9 administrative territorial units personal assistance services and about 179 units of personal assistance are to be created, for this purpose funds in the amount of 4800.8 thousand lei have been planned. At the same time, 2 Services "Protected Home" are to be developed, with costs in the amount of 156.1 thousand lei, and 3 Services "Community Home", with expenses amounting to 1446.0 thousand lei.

Article 29 – Participation in political and public life

274. Under current constitutional provisions, "Except for the persons banned from voting by law, all the citizens of the Republic of Moldova having attained the age of 18 on or by the voting day inclusively have the right to vote", and "The right of being elected is granted to all citizens of the Republic of Moldova enjoying the right of voting" (art. 38, paras. 2 and 3).

275. The Central Election Commission (CEC) administers the State Register of voters, which is a single integrated information system of voters' records in the Republic of Moldova, designed for collection, storage, updating and analysis of information relating to the citizens of the Republic of Moldova who have attained the age of 18 and have no legal prohibition to vote (Election Code, art. 38^{1}).

276. In the context of legal capacity reform, these provisions will be repealed so as to be guaranteed the right to vote to all persons, including those with intellectual and psychosocial disabilities.

277. The Election Code contains provisions on ensuring electoral turnout for persons with mobility problems, stipulating that "If the voter, due to health reasons or other reasonable grounds, cannot come to the polling station, the electoral precinct designates, at his/her written request, at least 2 members of the bureau to travel with a mobile ballot box and material necessary to vote to the location of the voter so that he/she could vote".

278. In recent years, the State has made some progress in securing political rights of persons with disabilities, both by changing the Election Code, as well as through measures aimed at ensuring the accessibility of premises and voting materials.

279. By Law No. 119 of 18.06.2010 amending the Electoral Code No. 1381-XIII of 21.11.1997, para. 2 of art. 29 was exposed in a new edition, containing the following provision "precinct offices are arranged so that they will facilitate access of elderly and disabled persons".

280. In the early parliamentary elections of 28.11.2010, CEC tested the direct and secret vote for persons with visual disabilities and prepared the Instruction on the procedure for conducting a test (CEC Decision No. 3886 of 23.11.2010). The Instruction established the procedure for conducting the test for the direct and secret voting for blind and weak-sighted people by providing them with special stencil-plate envelopes with molds, arranged according to the location of boxes with the names of the candidates and circumferences for applying the stamp.

281. Also, have been organized training workshops for the members of the polling stations, on the specificity of voting of persons with visual disabilities and has been conducted a campaign to inform voters with visual disabilities by: publishing brochures, informative posters, the use of the "hotline", radio broadcasts, video/audio spots, blogs, web portals, etc.

282. During the organization period for conducting general local elections of 05.06.2011, at the request of organizations of persons with locomotor disabilities, CEC has issued a circular requesting LPAs to take all measures necessary to ensure access for persons with locomotor disabilities at polling stations and in the polling booths. Previously, for these people the mobile ballot box has been used. Implementing this measure did not involve extra expense, because it resorted to politically unaffiliated persons to physically help persons with locomotor disabilities, where appropriate, including lifting the wheelchairs on the stairs.

283. According to the priorities set forth by CEC for the coming years, the following measures are proposed:

- Reviewing the legal framework to ensure voting rights for persons with various types of disabilities. This involves the regulation of alternative voting methods, including electronic voting, regulations on proper planning of booths and the endowment with the necessary equipment;
- Extending the pilot project that provides proper planning of precincts for persons with visual disabilities and persons with locomotive disabilities for the upcoming parliamentary elections (year 2014).

284. In order to ensure voting rights for persons with disabilities, the State will take measures to train the members of the polling stations on voting procedures for voters with various types of disabilities and actions to directly inform this category of voters through the use of appropriate technologies (various magnifiers with/without support, with/without lighting; materials printed in a special language, video clips with teletext; interpretation of TV broadcasts of electoral debates through subtitle sync; sign language).

Article 30 – Participation in cultural life, recreation, leisure and sport

285. According to Law No. 60 of 30.03.2012 on the social inclusion of persons with disabilities, central and local public authorities, public associations and legal persons of public law or private law are obliged to facilitate the access of persons with disabilities to cultural values, the objectives of heritage, tourism, sports and leisure places (art. 23). The law also sets some facilities for persons with disabilities, such as free access or discounts to cultural objectives. The institutions of public or private law providing cultural, tourist and sports services are required by law to provide free access for people with disabilities to these services to an extent of at least 2% of the total number of seats.

286. Institutions under the Ministry of Culture (museums, theatres, libraries) are in the process of installation of access routes in the cultural buildings and provide free access for viewing exhibitions and provide guides.

287. Theatrical and concert institutions provide persons with disabilities with free tickets to shows or set a symbolic price, as requested.

288. Also, the National Philharmonic through Invalids Society, annually distribute to persons with disabilities 50 musical passes, performed by a special program that includes 5 lessons-concerts. At the request of Invalids Society, it provides free access to various concerts, for 150 persons with disabilities.

289. Theatres provide free performances for persons with disabilities, both on their own scenes, and in the territory, where they have served around 5,000 spectators.

290. Annually, RM Deaf Association jointly with the Ministry of Labour, Social Protection and Family and the Ministry of Culture organizes the "Dance" National Festival in which about 100 children with hearing disabilities participate. In 2013 the fifth edition will be organized.

291. The National Philharmonic "S. Lunchevici" in cooperation with the Pro-Youth Association, Ministry of Culture and Ministry of Labour, Social Protection and Family, annually organizes the festival-contest "I wish I were a star" in which around 70 children and young people with disabilities from the country perform.

292. The National Library provides persons with disabilities various services and facilities such as:

- Free entry and providing special assistance at an information post, provided in the lobby of the central block;
- Installing handrails on stairs track at the entrance in the main building, and stairways in the hallways in the buildings of the Library;
- Providing information and documentation assistance to persons with disabilities beneficiaries of home loan books;
- Remote access, through the library's web page, to the electronic catalogue, local databases, publications, prepared by the Library and various information on encyclopedias, dictionaries, etc.;
- Digitization of patrimonial documents from the library's collections and creating the National Digital Library Moldavica, which currently contains more than 2600 digital objects.

293. The National Children's Library "Ion Creanga" based on agreements with Technology School for children with poor eyesight, Auxiliary School No. 5 and No. 7, "Concordia" Orphanage organizes various cultural and educational activities, aimed at cultivating a sense of love towards books, reading.

294. Participation of people with disabilities in sports activities is facilitated by sports federations such as: Blind Athletes Federation of Moldova, Moldovan Sports Federation of the Deaf. Also, in the country operates the National Paralympic Committee which supports athletes with disabilities in participating in Paralympic Games.

295. During 2010–2012, the Ministry of Youth and Sports has supported the development of 32 sporting activities for persons with disabilities, the amount allocated for these purposes amounted to 578.7 thousand lei. By the Government Decision No. 531 of 20.07.2012 funds amounting to 350.0 thousand lei were allocated to cover the costs of participation of the Paralympic Team to the XIV edition of the 2012 Paralympic Games in London.

IV. Specific obligations

Article 31 – Statistics and data collection

296. In the Republic of Moldova, records keeping, collection and processing of data on persons with disability is performed by public institutions authorized for this purpose. National Social Insurance House and its territorial structures keep track of persons with disabilities beneficiaries of social insurance benefits. Local public administration bodies, through their territorial structures of social assistance, keep records of persons with disabilities beneficiaries of social services.

297. The Ministry of Labour, Social Protection and Family bases development and adjustment of policies in the field of disability on statistical data provided by the National Social Insurance House, local authorities and the National Bureau of Statistics, where appropriate, other central public administration authorities and service providers.

298. The statistical data that the Government currently holds about persons with disabilities refers to:

- The total number of to persons with disabilities;
- The ratio of persons with disabilities in stable population, %;
- The ratio of persons with disabilities in the employed population, %;

- The ratio of children with disabilities in the total number of children, %;
- The ratio of children with disabilities in total persons with disabilities, %;
- Data disaggregated by criteria: age, gender, rural / urban area, severity of disability and disability reasons.

299. Currently, in the context of improving the collection of statistical data the Automated Information System "Social Assistance" is being finalized.

300. The project aims to create a modern and effective tool for social assistance employees to better identify those in need, to have information available that will allow making objective decisions in both granting benefits and in identifying and implementing social services. The information system shall be completed and put into operation in the first quarter of 2013.

301. In order to protect the rights and freedoms of individuals with regard to processing of personal data, in particular the right to inviolability of intimate, family and private life, of Law No. 133 of 14.10.2011 on the protection of personal data, art. 31 of the Law states that for statistical, historical research, scientific, sociological, medical, legal documentation reasons, the operator depersonalizes personal data by withdrawing from them the part that allows the identification of individuals, transforming them into anonymous data, that cannot be associated with an identified or identifiable person.

Article 32 – International cooperation

302. Cooperation, foreign financial and technical assistance has had a visible impact for the Republic of Moldova in the implementation of reforms on disability, focused on inclusion of persons with disabilities.

303. In order to improve the coordination process of joint activity of the Ministry of Labour, Social Protection and Family and donor organizations, by the Order of the Minister of Labour, Social Protection and Family, No. 060 of 17.02.2010, was created the Council for coordination of foreign aid in the field of labor and social protection. Council meetings are usually convened quarterly, and aim to discuss issues of coordinating the activities of joint projects, including in the field of social inclusion of persons with disabilities.

304. As a result of the involvement of foreign donors, the Republic of Moldova has made significant progress in areas such as: deinstitutionalization, creating community-based services, development of skills of staff under different types of services, development and application of methodologies and new tools for assessing the needs and providing assistance to the recipients of different services, new information technologies, etc.

305. In the fields of deinstitutionalisation, creating community based services for persons with intellectual disabilities and technical assistance for MLSPF in these areas, the core funders are: Open Society Foundations/Mental Health Initiatives (OSF/MHI) and the Soros Foundation – Moldova (SFM) that contribute to the implementation of the Program Community for All – Moldova. The program is implemented by the Keystone Human Services International Moldova Association and aims to contribute to reforming the care and social protection system of persons with disabilities for their social inclusion.

306. "Millennium Development Goals Governance in Action: Catalyzing human rights in social policy" is another project funded by UNDP Moldova. The project contributed to improving government's ability to integrate human rights into social policies and report on observance of human rights under United Nations treaties. Through the duration of the project significant progress has been achieved in implementing the provisions of the Convention, including the support given to the development and finalization of this Report.

307. Under the Financing Agreement between the Republic of Moldova and the International Development Association on financing the project "Health and social assistance services", a substantial contribution has been provided by the World Bank. The main parts of this project are creating a consolidated database of all social assistance benefits so that routing becomes possible in the technical sense, and providing computers and training of social workers who will collect the information needed to direct social assistance as according to the needs.

308. During the 2010–2012 reference period, with the support of various international organizations, foreign donors, public authorities, NGOs and public associations, several events were organized which aimed to facilitate and support institutional capacity building, exchange and dissemination of information, experiences, training programs and best practices in the field of disability.

309. Experts from the Republic of Moldova ensure representation and active participation in events related to protecting and promoting the rights of persons with disabilities, including the annual interactive debate on the rights of persons with disabilities, related to the regular sessions of the Human Rights Council of the United Nations and under the Council of Europe structures including the Committees of Experts on the Rights of Persons with Disabilities – CS-RPD.

310. Law No. 60 of 30 March 2012 on the social inclusion of persons with disabilities, states that "according to the provisions of their own statute, public associations of persons with disabilities may adhere to national and international associations, may maintain direct relationships with these associations, may also conclude with them cooperation agreements in accordance with national and international legislation in force". Accordingly, public associations in this field collaborate with various international associations, are supported and promote various joint projects.

Article 33 – National implementation and monitoring

311. According to the provisions of Law No. 60 of 30.03.2012 on social inclusion of persons with disabilities, the National Council for the Rights of Persons with Disabilities as an advisory collegiate body to the Government, is tasked with promoting the state policy in the field of disability and for monitoring the implementation of the Convention. Part of the National Council for the Rights of Persons with Disabilities are the representatives of central and local public authorities, non-governmental organizations of people with disabilities and representatives of NGOs active in the field of disability. The President of the National Council for the Rights of Persons with Disabilities is a Deputy Prime Minister in charge of the social field and the Vice President is the Minister of Labour, Social Protection and Family.

312. The Ministry of Labour, Social Protection and Family is the central body of public administration responsible for designing, promoting and enforcing the state policy on social protection of persons with disabilities and ensures the coordination and evaluation of the functionality of the social inclusion system. In developing policies aimed at persons with disabilities, the Ministry of Labour, Social Protection and Family and other central public administration authorities shall consult the National Council for the Rights of Persons with Disabilities and the representatives of the civil society.

313. The National Council for the Rights of Persons with Disabilities and the Ministry of Labour, Social Protection and Family are points of contact and coordination within the government, according to the provisions of art. 33, para. 1 of the Convention.

314. In the Republic of Moldova, the independent monitoring mechanism under art. 33, para. 2 of the Convention shall be implemented in accordance with art. 10 para. (2) of the

Law on social inclusion of persons with disabilities, No. 60 of 30.03.2012, which states that "Compliance with the UN Convention on the Rights of Persons with Disabilities by central and local authorities, by institutions and companies regardless of its ownership by associations and individuals in charge of all levels is provided by civil society and the ombudsman required by law".

315. In order to establish an independent mechanism, during 2012 several meetings have been held with the participation of the parliamentary advocate (Ombudsman), organizations of persons with disabilities, representatives of civil society organizations active in the field of disability and central public administration authorities. At these meetings the composition, powers and funding of the independent monitoring mechanism have been discussed.

316. The Government of the Republic of Moldova acknowledges the involvement of persons with disabilities and associations of persons with disabilities in the implementation and monitoring of the implementation of the Convention. In developing the draft Strategy and the draft Law on Social Inclusion of persons with disabilities, the Ministry of Labour, Social Protection and Family, with the support from social partners, organized various meetings and workshops with the active involvement of the persons with disabilities, as well as parents of children with disabilities, representatives of organizations of persons with disabilities and associations providing services in the field of disability. Also, this report was finalized under the opinions of central and local public administration authorities and following the consultations and recommendations of civil society, which took place on October 24, 2012.